



City of Duncan

**Zoning Bylaw No. 3166, 2017
(With Amendments to February 10, 2025)**

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

Bylaw No. 3166.01, 2020 – Adopted August 17, 2020
Bylaw No. 3166.02, 2021 – Adopted November 15, 2021
Bylaw No. 3166.03, 2022 – Adopted December 12, 2022
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Bylaw No. 3166.05, 2024 – Adopted June 3, 2024
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The City of Duncan Zoning Bylaw

Bylaw No. 3166

A BYLAW TO REGULATE THE USE OF LAND, BUILDINGS AND STRUCTURES; REQUIRE OFF-STREET PARKING AND LOADING SPACES; AND ESTABLISH STANDARDS FOR THE PROVISION OF LANDSCAPING AND SCREENING.

PART 1 - ADMINISTRATION

NOW THEREFORE the Council of the City of Duncan in an open meeting assembled hereby enacts as follows:

1.1 Citation

—1.1.1— This bylaw may be cited as “Zoning Bylaw 3166, 2017”.

1.2 General Compliance

- 1.2.1 No *person* may use, occupy or permit a *person* to use or occupy land, a *building* or a *structure* in contravention of this Bylaw.
- 1.2.2 No *person* may subdivide land in contravention of this Bylaw.
- 1.2.3 Nothing in this Bylaw relieves any *person* from the responsibility to comply with other legislation that applies to matters regulated in this Bylaw.
- 1.2.4 Every use of land, water, *buildings* and *structures* permitted in a zone must conform to all the regulations of the applicable zone and all regulations of this Bylaw.
- 1.2.5 For the purpose of this Bylaw, all uses not listed as *permitted uses* are deemed to be prohibited in that zone.
- 1.2.6 A continuation of a non-conforming use, *building* or *structure* shall be subject to the provisions of the *Local Government Act*.
- 1.2.7 Where a *Bylaw Enforcement Officer* observes that a contravention of this Bylaw has occurred, the *Bylaw Enforcement Officer* may issue to such *person* an Order to Comply with the requirements of this Bylaw.
- 1.2.8 A *Bylaw Enforcement Officer* or *Building Inspector* may enter onto *property* that is subject to the regulations of this Bylaw in accordance with the *Community Charter* and any other applicable legislation.

ADMINISTRATION

- 1.2.9 Service of an Order to Comply referred to in subsection 1.2.7 will be sufficient if a copy of the order is:
- mailed, by registered mail, to the address of the *owner* shown on the current property assessment roll;
 - delivered to the *owner or occupier* of the *property*, or placed in a mailbox, or other receptacle for the receipt of mail, on the *property*; or
 - posted on the *property*.
- 1.2.10 An Order to Comply under subsection 1.2.7 must state:
- the civic address of the subject *property*;
 - the legal description of the subject *property*;
 - the particulars of the non-compliance with this Bylaw to be remedied; and
 - the deadline for remedying the non-compliance with this Bylaw.
- 1.2.11 If the *owner or occupier* of *property* fails to comply with the *Bylaw Enforcement Officer's* Order to Comply within the time period specified, the *City*, by its workers or others, may at all reasonable times and in a reasonable manner, enter the *property* and bring about such compliance at the cost of the defaulting *owner*. Such costs shall consist of all costs and expenses incurred by the *City* to achieve compliance with this Bylaw.
- 1.2.12 If the *owner or occupier* of *property* defaults in paying the cost referred to in subsection 1.2.11 within 30 days after receipt of an invoice from the *City*, the *City* may either recover from the *owner or occupier* in any court of competent jurisdiction the cost as a debt to the *City*, or if unpaid on December 31 of the year in which the work was performed, may be added to and form part of the taxes payable on that *property* as taxes in arrears.
- 1.2.13 Service of an invoice for payment referred to in subsection 1.2.12 will be sufficient if a copy is served personally, or mailed by regular mail, to the *owner* of the *property* as shown on the current property assessment roll.

1.3 Penalty

- 1.3.1 The provisions of this Bylaw may be enforced by any *City Bylaw Enforcement Officer*.
- 1.3.2 Each day that a contravention of this Bylaw continues constitutes a separate offence.
- 1.3.3 Any *person* who contravenes any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty imposed by this bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000) for each offence.
- 1.3.4 Contraventions to this Bylaw are subject to fines contained within the "Bylaw Offence Notice Enforcement Bylaw" and the "Municipal Ticketing Information System Implementation Bylaw".

1.4 Zone Boundaries

- 1.4.1 ~~Unless otherwise identified in Schedule A – Zoning Map of this Bylaw, the zoning adjacent to a highway or a lane applies to the highway or lane, up to the centerline of the highway or lane. Where a highway or lane forms a zone boundary, the boundary is at the centreline of the highway or lane.~~

Commented [KY1]: It is administratively easier to manage the zoning map if the zone boundaries align with the parcel fabric.

1.5 Schedules and Figures

- 1.5.1 Schedule A attached to the Bylaw forms part of the Bylaw.
1.5.2 Figures form part of the Bylaw.

1.6 Interpretation

- 1.6.1 A term that is italicized in this Bylaw, other than legislation, is defined within the definitions section of this Bylaw.
1.6.2 The intent section in each *zone* is provided for information only and does not form part of the Bylaw.
1.6.3 Diagrams and illustrations in this Bylaw are provided only as examples to illustrate a regulation or term, and are not exclusive, exhaustive or restrictive, and in the event of any inconsistency with the text, the text shall govern.
1.6.4 References to *zones* in this Bylaw that are listed only by the *zone* designation mean the same as the *zone* listed by its full title and number.
1.6.5 All dimensions and measurements in this Bylaw are expressed in the Standard Interpretation Units (metric) system as follows:
(a) metres (m)
(b) square metres (m²)
(c) kilograms (kg)

1.7 Severability

- 1.7.1 If any provision of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, that provision must be severed, and the remainder of this Bylaw must continue in full force and effect.

1.8 Repeal

- 1.8.1 City of Duncan "Zoning Bylaw No. 1540, 1988", "Off-Street Parking and Loading Spaces Bylaw No. 3098, 2013", "Screening and Landscaping Regulation Bylaw No. 3112, 2014", "Fencing (Barbed Wire) Bylaw No. 607, 1955", "Payment In Lieu of Parking Bylaw No. 1784, 1996", and all amendments thereto are hereby repealed.

PART 2 – ESTABLISHMENT OF ZONES

For the purposes of this Bylaw, the City is divided into the following zones, as designated in Schedule A of this Bylaw:

2.1 Residential Zones

Residential Zones	
Low Density Residential Zone	LDR
Medium Density Residential Zone	MDR
High Density Residential Zone	HDR

2.2 Commercial Zones

Commercial Zones	
Downtown Comprehensive Zone	DTC
Neighbourhood Commercial Zone	NC
Highway Corridor Commercial Zone	HCC

2.3 Community Use Zones

Community Use Zones	
Community Services Zone	CS
Community Park Zone	CP

PART 3 – GENERAL REGULATIONS

Land Uses

3.1 Uses Permitted in All Zones

- 3.1.1 The following *uses* are permitted in all *zones*:
- (a) *Accessory buildings and structures*;
 - (b) *Community Care ~~facility~~ Facility* for no more than 10 persons;
 - (c) *Transition House* for no more than 10 persons;
 - (d) *Transportation corridors*;
 - (e) *Trails*;
 - (f) *Urban Food Gardens*; and
 - (g) *Utilities*.

3.2 Uses Prohibited in All Zones

- 3.2.1 Except as otherwise stated in this Bylaw, the following *uses* are prohibited in all *zones*:
- (a) *Auto wrecking*;
 - (b) *Industrial Activity*;
 - (c) *Kennel*;
 - (d) *Marijuana Operations*;
 - (e) *Storage of one or more Derelict Motor Vehicles*;
 - (f) *Parking, storage or commercial use in a fabric covered structure*;
 - (g) *Storage Yard as a principal use*;
 - (h) *Temporary Accommodation*, except where expressly permitted as a *Transition House, Bed and Breakfast* or *Tourist Accommodation*; and
 - (i) *Residential use of a mobile home or recreational vehicle* or other temporary structure.

3.3 Accessory Uses

- 3.3.1 *Accessory uses* and *accessory buildings* are permitted in every *zone* if:
- (a) a *principal use* is in existence on the *parcel*, or
 - (b) a *building* for a *principal use* has been constructed on the *parcel*, or is in the process of being constructed pursuant to an active Building Permit.
- 3.3.2 Despite the minimum *setbacks* specified in each *zone*, one (1) *accessory building* or *structure* may be sited not less than 1 m from an interior side or *rear parcel line* if:
- (a) the *accessory building* or *structure* has a *gross floor area* less than 10 m²;
 - (b) the *accessory building* or *structure* is placed directly on the ground or on non-permanent foundation blocks or footings; and
 - (c) the *height* of the *accessory building* or *structure* does not exceed 3 m.
- 3.3.3 *Small wind energy systems* and *solar collectors* are permitted *accessory structures* in all *zones*, but must be sited at least 4 m from all *parcel lines* and are not permitted within a *front yard* or *exterior side yard*.

GENERAL REGULATIONS

- 3.3.4 An *accessory building* must not
- (a) be used as a *dwelling unit*;
 - (b) contain bathing facilities; and
 - (c) have more than two (2) plumbing fixtures that require drainage, unless its *use as a detached secondary suite* is expressly permitted by the regulations under this Bylaw that apply to the *zone* in which the *accessory building* is located.

3.4 Shipping Containers

- 3.4.1 *Shipping containers* may only be placed permanently on a *parcel* in accordance with the following:
- (a) One (1) *shipping container* is permitted per *parcel* zoned Community Services (CS) for use as an *emergency preparedness kiosk*.
 - (b) One (1) *shipping container* is permitted per *parcel* as an *accessory use* within the Low Density Residential Zone (LDR), Downtown Comprehensive Zone (DTC) or the Neighbourhood Commercial Zone (NC) if the container is completely clad in wood or cement board siding in a colour complementary to the existing *single-unit dwelling* or *principal building*, covered by a shed or gable roof with a pitch of not less than 4:12, ventilated to permit internal air exchange, and sited in accordance with *setback* requirements for *accessory buildings*.
- 3.4.2 *Shipping containers* may be placed temporarily on a *parcel* only for the temporary storage of tools and materials during the construction or maintenance of a *utility, building* or *structure* pursuant to a Building Permit that has not expired, but the *shipping container* must be removed prior to the issuance of any *occupancy* permit for the *building* or *structure*.
- 3.4.3 Nothing in this Bylaw prohibits the *use of shipping containers* as a construction material for the construction of residential or commercial *buildings* pursuant to a design prepared by a professional Architect and sealed by a professional Structural Engineer.

3166.05

3.5 Temporary Uses

- 3.5.1 *Temporary accommodation* in a *recreational vehicle* is permitted during the construction of a *building* or *structure* pursuant to a Building Permit that has not expired, on the *parcel* that is the subject of the Building Permit, but the accommodation in the *recreational vehicle* must be discontinued before the issuance of any *occupancy* permit for the *building* or *structure*.
- 3.5.2 The temporary *use of a building* as a campaign headquarters for a political candidate is permitted in any *zone* for the duration of the campaign up to and including days remaining in the month following general election day.
- 3.5.3 Temporary *buildings* or *structures* are permitted as follows:
- (a) shelter for construction or maintenance crews engaged in work on the *parcel* on which the temporary *building* or *structure* is placed, or an abutting *parcel*;

GENERAL REGULATIONS

- (b) a sales *office* for development placed on a *parcel* under active development, or a lot contiguous to the *parcel* under active development, provided the *office* does not exceed a *gross floor area* of 70 m²; and
- (c) the storage on a *parcel* of materials for the construction or maintenance on that *parcel* of any *utility, building or structure* for which a Building Permit has been issued and has not expired, but any remaining materials must be removed before the issuance of any *occupancy* permit for the *building or structure*.

3.6 Urban Food Gardens

- 3.6.1 An *urban food garden* is permitted in all *zones* provided that:
- (a) the total area which may be under cultivation on any *parcel* zoned for Multi-Unit *Residential* or *Commercial use* does not exceed 600 m²;
 - (b) production does not include growing and harvesting mushrooms or marijuana; and
 - (c) no artificial lighting, pesticides or herbicides are used.

3.7 Swimming Pools

- 3.7.1 *Swimming pools* must be enclosed by a *fence* between 1.5 m and 1.8 m in *height* and designed so that it does not facilitate climbing, and where gates provide access to the pool area they must be self-closing, be operated by hinges and a latch and be able to be opened freely only from the inside.

Height and Siting

3.8 Fence Height

- 3.8.1 *Fence height* is determined by measuring vertically from either *natural grade* or *finished grade*, whichever is lower, to the highest portion of the *fence*.
- 3.8.2 Decorative *fence* post caps with a *height* not greater than 0.1 m, and entrance arbours are excluded from the calculations of *fence height*.
- 3.8.3 *Retaining walls*, or portions thereof, are considered *fences* for the purposes of section 3.9.
- 3.8.4 The maximum *fence height* is as follows:

Zones	Front Yard or Exterior Side Yard	Rear Yard or Interior Side Yard
Residential	1.2 m	2 m
Commercial	Not permitted in either yard or between the front face or <i>exterior side yard</i> face of the <i>building</i> and the <i>parcel line</i> .	2 m
Community Use	1.2 m	2 m

GENERAL REGULATIONS

- 3.8.5 Despite subsection 3.9.4, *fences* are permitted where required for screening in accordance with section 3.23.
- 3.8.6 Where deemed necessary for the construction of a *building*, as determined by the *Building Inspector*, a *guardrail* up to 1.07 m in *height* may be excluded from the total calculation of *fence height*.
- 3.8.7 Despite subsection 3.9.4, within the Residential and Commercial zones, no *fence* shall exceed a *height* of 2 m in any portion of the *parcel* not otherwise defined as a yard.
- 3.8.8 Despite subsection 3.9.4, no *fence* shall be located within any portion of the *front yard* of any *parcel* in Plan 12568, Section 17, Range 5, Quamichan District (also known as Centennial Heights).
- 3.8.9 A *fence* on a *parcel* zoned residential, commercial, community services or park must not include barbed wire, razor wire, electric wire, ultra-barrier, or any other material intended to deter trespass by threat or cause of personal injury to any animal or *person* who may come into contact with the *fence*.

3.9 Building Height

- 3.9.1 *Building height* is calculated as distance measured vertically from the average *finished grade* or average *natural grade*, whichever is less, recorded at the outermost corners of the *building*, to the highest part of the *building*. The *City* may require an applicant for a Building Permit for a *building* or *structure* to engage a *B.C. Land Surveyor* to establish grade for the purposes of such measurement.

3.10 Height Exemptions

- 3.10.1 *Green building systems, green roofs, solar collectors, and small wind energy systems* (including the blades), church spires, civic clock towers, church belfries, civic monuments, fire or hose towers, chimneys, transmission towers, aerials, flagpoles, rooftop water tanks, elevator penthouses and *mechanical equipment* components and enclosures are exempt from the maximum *height* regulations in this Bylaw if:
- enclosures or structural elements cover no more than 20% of the *parcel* or, if located on a *building*, not more than 10% of the roof area, with the exception of a *green roof* and *solar collectors*; and
 - those *structures* do not exceed twice the maximum *height* when they are in a residential *zone*.

3.10.2 Where a development permit issued by the City authorizes amenity spaces on the roof of a building that are shared by occupants of a building, those amenity spaces and associated features, as detailed in the development permit, are exempt from maximum building height regulations.

3.11 Building Separations

- 3.11.1 *Accessory buildings*, regardless of *zone*, must be sited at least 1.2 m from a principal *dwelling unit* or *principal building* measured between the exterior wall faces or

Commented [KY2]: The City's development permit area guidelines encourage rooftop amenity spaces. This amendment allows a designer to include a rooftop amenity area - e.g. pergola, cooking facilities, seating, garden boxes - without being penalized for exceeding the maximum building height.

GENERAL REGULATIONS

supporting *structures* of each *building*.

- 3.11.2 *Detached secondary suites* must be sited at least 2.5 m from a principal *dwelling unit*, measured between the foundations of each *building*.

3.12 Projections into Yards

- 3.12.1 Except as otherwise permitted in this bylaw, the minimum *parcel line setbacks* in Parts 4 to 6 of this bylaw do not apply, to the extent indicated, to the following features:

Feature	Maximum Permitted Projection
Eave, exterior finish, <i>green wall</i> , gutter, cornice, sunlight control projection	0.6 m
Chimney	0.75 m
Steps and landing	2 m
<i>Porch</i>	2 m into a <i>front or exterior side yard</i> only
<i>Open Deck</i>	2 m into a <i>rear yard</i> only

- 3.12.2 Rainwater harvesting *structures*, equipment and apparatus, including rain barrels and cisterns, that do not require a Building Permit may be sited within the required *parcel line setbacks*.

- 3.12.3 Wheelchair ramps, children's play equipment, *landscape buffers*, *fences*, *retaining walls* or other landscape features, above-ground *swimming pools* and clothesline poles may be sited within the required *parcel line setbacks*.

3.12.4 In-ground *swimming pools* have a minimum parcel line setback of 1.5 m.

3.12.4.3.12.5 *Structures that are solely used for weather protection for short-term bicycle parking may be sited within the required parcel line setbacks, provided that the structure is limited to a roof with supporting posts and is not enclosed with walls and provided that drainage from the structure is directed away from adjoining parcels and highways.*

3.13 Mechanical Equipment

- 3.13.1 Ground or wall-affixed *mechanical equipment* may only be placed in the *interior side yard*, *exterior side yard*, or rear of a *building*.
- 3.13.2 Despite Subsection 3.14.1, *mechanical equipment* must be located a minimum of 4 m from an *interior side parcel line*, *exterior side parcel line* or *rear parcel line*.
- 3.13.3 Where *mechanical equipment* is located in the *exterior side yard*, it must be screened from view by *landscaping* or decorative *fence* enclosure not exceeding the maximum *fence height*.

3.14 Setbacks to Public Roads

- 3.14.1 Where a *parcel* abuts a *highway* with a dedicated width of less than 12 m, or a

GENERAL REGULATIONS

Downtown Road (as identified in Figure 3.15.1) an additional 1.5 m front *setback* or exterior side *setback* is required.



Figure 3.15.1: Setbacks to Public Roads Map

3.15 Visibility at Intersections

3.15.1 Despite any other regulation in this bylaw, where two *highways* intersect there must be no visual obstruction, either by *buildings*, *structures* or *vegetation*, to the line of vision between 1 m and 3 m above grade in the area of any *corner parcel* bounded by the intersecting *parcel lines* and a line joining each of the *parcel lines* 6 m from their point of intersection (as identified in Figure 3.16.1).

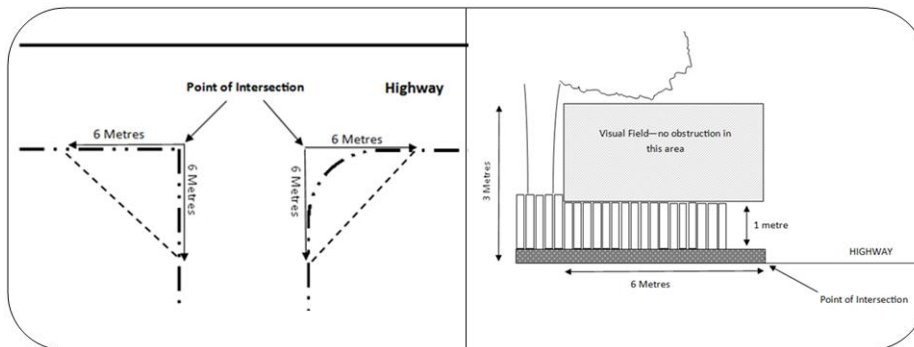


Figure 3.16.1: An illustration of the line of vision at the point of intersection

3.16 Riparian Area Protection

3.16.1 The minimum *setback* for all *buildings* and *structures* from the present *natural boundary* of the Cowichan River and its tributaries is 30 m.

3.17 Backyard Hens

3.17.1 A maximum of six (6) *hens* may be kept on a *parcel* within the Low Density Residential Zone where the lot is greater than 450 m², provided that the *owner* or *occupier* of the *parcel* registers the *hens* with the *City* in accordance with the Animal Regulation and Impounding Bylaw;

3.17.2 A *backyard hen enclosure* consisting of a coop and pen must be provided and maintained in accordance with the Animal Regulation and Impounding Bylaw, and must be:

- a) located not less than 2.5 m from the *rear parcel line*, *exterior side parcel line* and *interior side parcel lines*;
- b) located not less than 3 m from any door or window of a *dwelling unit*;
- c) located within the *rear yard* of the *parcel*; and
- d) not more than 3 m in *height*.

Residential Accessory Businesses

3.18 Home-Based Business

3.18.1 No more than two (2) *home-based businesses* are permitted per *dwelling unit* or in the case of *single-unit dwelling* with an *attached secondary suite* or *detached secondary suite*, not more than two (2) *home-based businesses* per *parcel*.

3.18.2 A *home-based business* is limited as follows:

Regulations	Home-Based Business
Maximum number of non-resident employees	1
Maximum area of a <i>home-based business</i> (including storage) in <i>dwelling unit</i> or <i>accessory building</i>	40% of the <i>dwelling unit</i> up to 50 m ² ; or 40% of an <i>accessory building</i> up to 50 m ² . Where combined, not more than 70 m ² total.
Maximum number of <i>motor vehicles</i> associated with the <i>home-based business</i>	1

3.18.3 A *home-based business* must not involve any of the following:

- (a) *Automobile Repair Service* or *autobody*;
- (b) *Retail* sale of goods that are not directly associated with the *home-based business* or that are not produced on the *parcel*;

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- (c) Outdoor storage;
- (d) Marshaling or storage of *motor vehicles*; or
- (e) Odours, vapours, heat, glare, electrical interference, or recurring ground vibrations that cross a *parcel line*.

3.18.4 A *home-based business* in a *multi-unit dwelling* or *multi-unit rowhouse* must not involve the following:

- (a) the presence of clients, patrons, customers or employees on the premises as a function of its regular business activity, unless they are permanent residents of the premises; and
- (b) advertisement by means of a sign.

3.19 ~~Bed and Breakfast~~ Short-Term Rentals

~~3.19.1 Where permitted in a zone, a short-term rental is only permitted subject to compliance with all requirements and provisions of the Short-Term Rental Accommodations Act and this bylaw.~~

~~3.19.2 A short-term rental is only permitted in a single-unit dwelling, attached secondary suite, or detached secondary suite.~~

~~3.19.13.19.3 The maximum number of short-term rentals per parcel or entire building strata is one (1). The operator of a bed and breakfast must be a resident of the principal dwelling unit containing the bed and breakfast.~~

~~3.19.2 The maximum number of guest rooms in a bed and breakfast is two (2) and the maximum number of guests is four (4), excluding children under the age of 16.~~

~~3.19.3 A bed and breakfast is only permitted in a single-unit dwelling on a parcel containing no other dwelling units.~~

3.20 Residential Daycare

3.20.1 No more than one (1) *residential daycare* is permitted on a *parcel*.

3.20.2 A *residential daycare* is only permitted in a *single-unit dwelling*, an *accessory building*, or an outdoor play space, on a *parcel* containing no other *dwelling units*.

3.20.3 A *residential daycare* is limited to:

- (a) 40% of the *gross floor area* of the *single-unit dwelling* or *accessory building* in which it is contained; and
- (b) 70 m² of floor area where a daycare is contained within both the *single-unit dwelling* and an *accessory building*.

3.20.4 A *residential daycare* may be operated only by a resident of the *parcel* containing the *residential daycare* and up to one (1) employee.

Commented [KY3]: Council previously directed staff to present amendments to the zoning bylaw to permit short-term rentals. Staff do not see a need to repeat the requirements of the provincial legislation, including the principal residence requirement. The provincial is responsible for enforcing the legislation. Short-term rentals do not have non-conforming use protections, which means that if Council decides to remove this as a permitted use in the future, short-term rental businesses would need to cease operating (likely triggered at the business licence renewal stage).

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Landscaping, Screening and Site Features

3.21 Landscaping

3.21.1 The following requirements, standards, and regulations for the provision of landscaping, which, by necessity, include the ongoing upkeep and maintenance of such landscaping, are established for the purpose of preserving, restoring, and enhancing the natural environment and preventing hazardous conditions:

Commented [KY4]: The intent of this revised section is to help provide greater protections for landscaped areas and, in particular, help ensure that trees planted by a developer are maintained.

(a) Where landscaping is required and has been installed and planted in accordance with the City's Works and Services Bylaw or with a development permit issued by the City, the area occupied by the landscaping is specifically reserved for landscaping and must not be used for or occupied by any other use, unless permitted by the City through a development permit, development permit amendment, or other written City approval.

(b) The landscaping referred to in this section has inherent ecological and biodiversity value in the context of the natural environment, and also serves to help prevent hazardous conditions resulting from climate change, including providing shade and managing the urban heat effect during extreme heat events and mitigating the impacts of storm events, and as such, must not be removed, displaced, or altered in any way without permission from the City to do so through a development permit, development permit amendment, or other written City approval.

(c) To regulate situations where an owner has provided the landscaping referred to in in this section, but fails to take reasonably necessary actions required to ensure the survivability of the landscaping, the City views maintenance of landscaping as an inherent and necessary element of the "provision" of landscaping, and as such, landscaping referred to in this section must be kept up, watered, and otherwise cared for in accordance with landscape care best practices and, in the event that such landscaping dies, the landscaping must immediately be replaced and provided in accordance with the original landscape design, unless an alternative landscape design is approved by the City through a development permit, development permit amendment, or other written City approval.

3.21.1 A landscape area must be provided and maintained along all parcel frontages of parcels zoned commercial, or zoned to permit multi-unit dwellings or institutional use, or for parcels with a utility use as follows:

Yard	Minimum Depth (measured from the property line) of Landscape Area	Minimum Percentage of Plant Cover in each Landscape Area
Front Yard or Exterior Side Yard	2 m	50%

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Interior Side Yard	0.5 m	75%
Rear Yard	1 m	50%

~~3.21.2 Any portion of any parcel which is not used for buildings, structures, storage yard, required off-street parking, required off-street loading, roadways or walkways, shall also be fully landscaped.~~

~~3.21.3 The percentage of plant cover provided in a landscape area shall be calculated using the canopy cover of trees and ground cover of shrubs and grasses at maturity.~~

~~3.21.4 A continuous curb or similar barrier must be installed between a landscape area and an adjoining parking area on the same parcel, and interruptions in the curb or barrier may be provided to allow surface runoff water to enter rain gardens or bioswales.~~

~~3.21.5 At least 50% of all plant species in a landscape area must be drought tolerant and all species must be non-invasive.~~

~~3.21.6 A security satisfactory to the City in an amount equal to 125% of the cost of hard landscaping materials (such as fences, screening, paving, pavers, bike racks) and soft landscaping materials (includes all plants and soils), irrigation, and labour, prepared by the professional Landscape Architect, is required to be submitted by the applicant at time of Building Permit application.~~

Commented [KY5]: Typically, the development permit process supplements these through the detailed landscaping design, which acknowledges unique site and development characteristics.

Commented [KY6]: This is covered in the delegation of authority bylaw.

3.22 Screening

3.22.1 On all commercially-zoned parcels, a minimum 1 m wide landscape buffer comprised of both fencing and plants for the entire length of the buffer must be established adjacent to residentially-zoned parcels for screening.

3.22.2 All rooftop and grade-level mechanical equipment and electrical equipment must be fully screened (utilizing vegetation or decorative fencing) from view from any highway or adjacent multi-unit residential use building.

3.22.3 Despite Subsection 3.23.2, grade-level pad-mounted transformers that cannot be screened by plants or decorative fencing must be covered in a decorative wrap.

~~3.23 Procedure~~

~~3.23.1 The screening and landscaping requirements of the bylaw apply to a parcel when the owner of the parcel obtains a Development Permit or Building Permit for exterior improvements where the value of construction exceeds \$100,000.00.~~

Commented [KY7]: This appears to be an unnecessary limitation on the provisions in this section.

~~3.24 Care and Maintenance~~

~~3.24.1 All landscaping, screening and buffering required under this bylaw on any parcel shall be adequately maintained by the owners or occupants of the parcel.~~

Commented [KY8]: Covered above.

~~3.253.23 Recycling and Garbage Storage Facilities~~

GENERAL REGULATIONS

~~3.25.13.23.1~~ All commercial, institutional, mixed use or multi-unit *residential use buildings* must provide a recycling and garbage collection facility that is either completely contained within the *principal building* or fully screened and accessible from a driveway or *lane* at an outdoor location on the *parcel*.

Parking and Off-Street Loading

~~3.26.13.24~~ **Parking and Off-Street Loading Areas**

~~3.26.13.24.1~~ *Off-street parking spaces* required by this bylaw must not be obstructed in any way by garbage receptacles, *structures*, *derelict motor vehicles*, refuse, equipment, or materials which interfere with the ability of the parking space to serve its function.

~~3.26.23.24.2~~ *Off-street parking spaces*, *off-street loading spaces*, drive aisles and accesses for all *uses* except *single-unit dwellings* must be hard-surfaced.

~~3.26.33.24.3~~ *Off-street parking spaces* and *off-street loading spaces* must be provided on the same *parcel* as the *use* for which the spaces are required.

~~3.26.43.24.4~~ In all commercial zones, *off-street parking* is not permitted between the face of a street-oriented *principal building* and the *front parcel line* or *exterior side parcel line*.

~~3.26.5~~ ~~Where the minimum number of off-street parking spaces required by this bylaw is based on the number of seats, each 0.6 m of pew, bench or other seating counts as one seat.~~

~~3.26.63.24.5~~ Where the minimum number of *off-street parking* spaces includes a fractional unit ~~greater than~~ of 0.5 or more, that fractional unit is considered one *off-street parking* space.

~~3.26.73.24.6~~ *Off-street parking* spaces must not be less than 1 m from any *highway*.

~~3.26.83.24.7~~ *Off-street parking* spaces must have a vehicle stop within each parking space not less than 0.3 m from the front end of the parking space, except where the front end of a parking space abuts the rear end of another parking space.

~~3.27.13.25~~ **Access to Parking Areas**

~~3.27.13.25.1~~ Driveway access or egress shall be not less than 15 m from the nearest point of intersection of two *highways*.

~~3.27.23.25.2~~ Unless otherwise specified within a *zone*, no parking space shall be accessed directly from a *highway*.

~~3.27.33.25.3~~ Parking spaces shall be laid out so as to permit unobstructed access to and egress from each parking space at all times.

~~3.27.43.25.4~~ Despite subsection 3.28.3, parking spaces for a *single-unit dwelling* containing an *attached* or *detached secondary suite* may be arranged such that one space is located behind the other space with a common or shared point of access to a *highway*.

~~3.25.5~~ The following standards for works and services are established for the provision of shared driveway accesses:

Commented [KY9]: Based on the proposed standardized ratio for non-residential uses, this regulation would no longer be required.

Commented [KY10]: Staff feel that this regulation should follow standard mathematics.

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3.27.5a) Where a *parcel* abuts a downtown road (as identified in Figure 3.28.5) and has a *parcel frontage* of less than 40 m, driveway access across a *front parcel line* shall not be permitted unless in conjunction with the provision of shared access to parking areas with neighbouring *parcels*, where the combined frontage is equal to or greater than 40 m.

Commented [KY11]: He defined term is "parcel frontage."



— Downtown Roads Requiring Shared Access to Parking Areas

Figure 3.28.5: Downtown Roads Access Map

b) Where an easement has been provided to accommodate driveway access over one parcel to a neighbouring parcel, development on the neighbouring parcel must only use the shared driveway access, and, if the existing easement does not include maintenance obligations for the neighbouring parcel, the owner of neighbouring parcel must register a new easement with shared maintenance obligations, proportional to the scale of development on each parcel.

Commented [KY12]: Ideally, both owners would agree to easement terms for a shared driveway. However, if the benefiting owner does not agree, the only alternative would be an easement without maintenance obligations for the benefiting owner, which would not require their approval. However, to acknowledge that both parties should have maintenance responsibilities, the hope is that this regulation would force the benefiting property owner to register a new, fairer/balanced easement if they redevelop.

3.27.63.25.6 No driveway access shall be permitted for commercial use or multi-unit dwellings from Trunk Road, Coronation Avenue, Jubilee Street from Evans Street to White Road, Canada Avenue south of Beverly Street, Station Street or Government Street.

Commented [KY13]: This section of Jubilee Street is generally served by side streets and lanes with bike lanes anticipated.

3.283.26 Surfacing and Construction Standards

3.28.13.26.1 Where more than three (3) parking spaces are required by this bylaw, the parking area must be surfaced with asphalt, concrete, paving stones or bricks, or other dust-free, hard-surfaced material, and each space must be clearly demarcated by

Commented [KY14]: Clarifying that the regulation is referring to hard-surfacing.

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surface markings comprised of paint or alternate surface material.

3.28.23.26.2 Where more than ten (10) parking spaces are required by this bylaw, an oil/water separator or bioswale, or combination thereof, must be provided. Oil/water separators must be designed by a Professional Engineer and bioswales must be designed by a professional Landscape Architect or Professional Engineer.

3.28.33.26.3 Lighting must be provided to illuminate any parking area and be installed so that light is downcast and adequately covers the parking area and does not spill over onto adjacent properties.

3.293.27 Visitor Parking

3.29.13.27.1 Where a *parcel* contains a development multi-unit dwelling with 10 or more dwelling units, one (1) space of every 20 required parking spaces or portion thereof, shall be identified and maintained as visitor parking.

3.303.28 Minimum Off-Street Parking

3.30.13.28.1 *Off-street parking* spaces for *motor vehicles* must be provided as follows:

Permitted Use	Minimum Number of Off-street Parking Spaces
<u>Residential Use</u>	<u>1 per dwelling unit</u>
<u>Affordable Housing</u> <u>Assisted Living Residential Facility</u> <u>Community Care Facility</u> <u>Studio or 1-Bedroom Dwelling Unit in Downtown Parking Area</u> <u>Transition House</u>	<u>0.5 per dwelling unit or sleeping unit</u>
<u>Home-Based Business</u> <u>Residential Daycare</u>	<u>1 per business where public attends</u>
<u>Short-Term Rental</u> <u>Tourist Accommodation</u>	<u>1 per guest room</u>
<u>Any Other Use</u>	<u>1 per 30 m² gross floor area</u>

Commented [KY15]: What this would mean is that for developments containing 1-9 units, there is no requirement for any of the parking spaces to be visitor parking, but a developer could choose to do so voluntarily. If no visitor parking spaces are provided onsite, visitors would park on the street or in a public parking lot. For larger developments with 10 or more units, there would be a requirement to designate one or more parking spaces as visitor parking in acknowledgement that the public streets and parking lots have limited capacity. The implication of this is that if residential parking ratios are 1:1, every parking space that is designated as a visitor space would be one less space available for residents. The threshold could be set lower or higher than 10 units.

Commented [KY16]: The City committed to reducing its parking to support housing and creating mixed use neighbourhoods. The only change to residential uses is to reduce the 2- and 3-bedroom requirement from 1.2 spaces per unit to 1 space per unit and is intended to help facilitate and support the creation of family-sized units.

The non-residential (e.g. commercial) parking is proposed to be reduced and simplified. The intent is to incentivize new commercial and mixed use developments and make it easier for businesses to relocate between buildings and properties.

Transition house is limited to 10 people in care and it is anticipated that three spaces will accommodate 1-2 staff spaces and 1 loading/visitor space.

Permitted Use	Minimum Number of Off-street Parking Spaces
Residential	
<u>Assisted Living Residential Facility</u>	<u>0.35 per dwelling unit or sleeping unit, plus an additional 0.15 per dwelling unit or sleeping unit for staff and visitors.</u>
<u>Bed and Breakfast</u>	<u>1 per guest room</u>
<u>Community Care</u>	<u>0.35 per sleeping unit or person in care, plus an additional 0.15 per unit for visitors and staff.</u>
<u>Dwelling, Multi-Unit</u>	<u>Within the Downtown Parking Area described in Section 3.36: 0.5 per unit with 1 or fewer bedrooms</u>

GENERAL REGULATIONS

Permitted Use	Minimum Number of Off-street Parking Spaces
<i>(including Multi-Unit Rowhouse)</i>	1 per unit with more than 1 bedroom In all other areas: 1 per unit with one or fewer bedrooms 1.2 per unit with two or more bedrooms For a development for women who have experienced or are at risk of violence 0.35 per unit, plus an additional 0.15 per unit for visitors and staff
<i>Dwelling, Two-Unit (including Rowhouses)</i>	2 per unit
<i>Home-based business for Single-Unit Dwelling</i>	1 per business
<i>Residential Use in the LDR Zone</i>	1 per dwelling unit
<i>Transition House</i>	4

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Permitted Use	Minimum Number of Off-street Parking Spaces
Commercial	
<i>Tourist Accommodation</i>	1 per sleeping unit
<i>Office</i>	1 per 30 m ² gross floor area
<i>Repair Service, General</i>	1 per 30 m ² gross floor area
<i>Repair Service, Automotive</i>	4 per service bay
<i>Restaurant</i>	1 per 4 seats
<i>Retail</i>	1 per 30 m ² gross floor area
<i>Retail, Shopping Centre</i>	1 per 20 m ² gross floor area
Community Uses	
<i>Community Use</i>	1 per 10 m ² gross floor area
<i>Cultural Use</i>	1 per 30 m ² gross floor area
<i>Cultural Use – Theatre</i>	1 per 4 seats
<i>Hospital</i>	1.5 per 3 beds
<i>Recreation, Indoor</i>	1 per 10 m ² gross floor area
<i>School, Academic</i>	10, plus 1 per classroom (elementary) 10, plus 5 per classroom (secondary) 10, plus 10 per classroom (post-secondary)
<i>School, Commercial</i>	2, plus 2 spaces per classroom

3.28.2 Every individual garage or carport in or attached to a *dwelling unit in a single-unit dwelling, two-unit dwelling, or multi-unit rowhouse dwelling* must be equipped with a 240 volt electrical outlet (Level 2 charging capabilities).

3.30.23.28.3 Multi-unit residential, commercial, or community uses must install one (1) electric vehicle charging station, minimum Level-2, for every 20 required off-street parking spaces.

3.31.3.29 Dimensions of Parking Spaces

3.31.13.29.1 The minimum dimensions of the required off-street parking spaces for motor vehicles are as follows:

Dimension	Standard Vehicle Parking			
	Parking Angle			
	Parallel	45°	60°	90°
Space Width	2.8 m	2.6 m	2.6 m	2.6 m
Space Length	6.5 m	5.6 m	5.6 m	5.6 m
Aisle Width – One Way	4 m	4 m	5.2 m	6 m
Aisle Width – Two Way	6.5 m	6.5 m	6.5 m	6.5 m

3.31.23.29.2 Despite subsection 3.32.1, the minimum dimensions of the required off-street parking spaces for motor vehicles may be reduced as follows, as permitted by

Commented [KY17]: The provincial government enacted new transportation demand management authorities in the *Local Government Act*, including the authority to establish electric vehicle charging requirements. Some degree of flexibility may be warranted for larger apartments or commercial developments with shared parking areas in a parkade or exterior, at-grade parking that can be assessed on a case-by-case basis.

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subsections 3.32.3 and 3.32.4.

Dimension	Small Vehicle Parking			
	Parking Angle			
	Parallel	45°	60°	90°
Space Width	2.8 m	2.6 m	2.6 m	2.6 m
Space Length	5 m	4.4 m	4.4 m	4.4 m
Aisle Width – One Way	4 m	4 m	5.2 m	6 m
Aisle Width – Two Way	6.0 m	6.0 m	6.0 m	6.5 m

~~3.31.33.29.3~~ Where a parking area contains more than 12 spaces, up to 30% of the total parking spaces required by this bylaw may be designed to comply with the standards in subsection 3.32.2 and each such space must be clearly identified by surface marking as a small vehicle space only.

~~3.31.43.29.4~~ Where a parking area contains 12 or fewer spaces, up to 50% of the parking spaces required by this bylaw may be designed to comply with the standards in subsection 3.32.2 and each such space must be clearly identified by surface marking as a small vehicle space.

~~3.31.53.29.5~~ Despite ~~subsections 3.32.3 and 3.32.4~~ any other provision in this section, where any parking space abuts, along its length, any portion of a *fence*, wall or support *structure*, the minimum stall width shall be increased by 0.3 m for that stall only and in the case of single parking space in a garage within a rowhouse an additional 0.6 m shall be provided.

Commented [KY18]: 3.32.3 and 3.32.4 deal with the proportion of small vehicle parking, but this regulation is actually addressing the minimum dimension regulations.

~~3.32.30~~ Bicycle Parking

~~3.32.13.30.1~~ Bicycle parking must be provided as follows:

Use	Minimum Number of Bicycle Parking Spaces	
	Short Term Bicycle Parking (Visitor/Client/Customer)	Long Term Bicycle Parking (Residential/Employee)
<i>Dwelling, Multiple-Unit</i>	1 two-sided rack per 5 units	1 per unit
Commercial	1 two-sided rack per 200 m ²	1 per 200 m ²
Community Services	1 two-sided rack per 200 m ²	1 per 200 m ²

~~3.32.23.30.2~~ Short-term bicycle parking must:

- be less than 15 m from the main entrance to the *principal building*;
- be visible from the main entrance to the *principal building*;
- be provided in permanently anchored racks;
- be well-lit; and
- not obstruct pedestrian circulation.

~~3.32.33.30.3~~ Long-term bicycle parking must

GENERAL REGULATIONS

- (a) be provided in a dedicated and secure bicycle storage area with bicycle racks or lockers, which is independently accessible only to residents or employees of the *building*; and
- (b) be located in close proximity and with access to *building* entrances.

3.33.31 Minimum Off-Street Loading

3.33.13.31.1 *Off-street loading* must be provided for commercial *buildings* as follows:

Gross Floor Area	Minimum Number of Off-Street Loading Spaces	Minimum Dimensions	
		Width	Length
Less than 1,000 m ²	1 per commercial <i>building</i>	2.6 m	5.8 m
1,000 – 2,000 m ²	1 per commercial <i>building</i>	3 m	12 m
Greater than 2,000 m ²	2 per commercial <i>building</i>	3 m	12 m

3.33.23.31.2 Despite subsection 3.34.1, if a *parcel* contains multiple commercial *buildings*, the minimum number of *off-street loading* spaces for all commercial *buildings* with a total *gross floor area* of less than 1,000 m² may be reduced to one (1) in total.

3.34.32 Commercial and Stored Vehicles

3.34.13.32.1 Residentially-zoned *parcels* must not be used for parking, storing or repairing a *commercial vehicle* which has, or at any time has had, a licensed gross vehicle weight greater than 5,000 kg, as indicated on a present or past *commercial vehicle* registration.

3.34.23.32.2 Residentially-zoned *parcels* must not be used for parking or storage of *recreational vehicles* exceeding 11 m in length;

3.34.33.32.3 Residentially-zoned *parcels* must not be used for parking or storage of *watercraft* exceeding 10 m in length;

3.34.43.32.4 Parking or storage of *motor vehicles* for a *single-unit dwelling* must not exceed a combined total of four (4) *motor vehicles*, *recreational vehicles*, or *watercraft*, and parking or storage of *motor vehicles* for a *two-unit dwelling* must not exceed a combined total of six (6) *motor vehicles*, *recreational vehicles*, or *watercraft*.

3.34.53.32.5 Residentially-zoned *parcels* must not be used for parking or storage of more than two *commercial vehicles*.

3.35.33 Downtown Parking Area

3.35.13.33.1 The area shaded in Figure 3.36.1 is the Downtown Parking Area referred to in subsection 3.31.1. Commercial *uses* on the first floor of a *building* in this area are wholly exempt from parking requirements:

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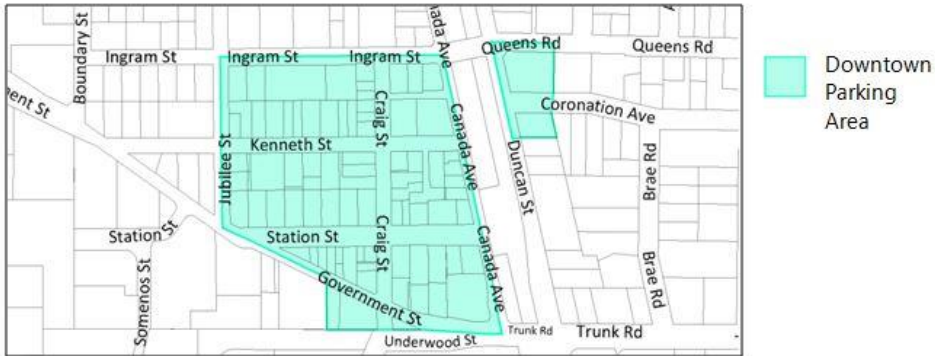


Figure 3.36.1: Downtown Parking Area Map

3.36.34 Parking for Persons with Disabilities Requirements

3.36.13.34.1 For any use required to be accessible to *persons* with disabilities by the British Columbia Building Code, a minimum of one (1) parking stall for *persons* with disabilities must be provided.

3.36.23.34.2 One (1) parking space for *persons* with disabilities must be provided for the first 20 required parking spaces and one (1) additional space for every 40 required spaces thereafter.

3.36.33.34.3 All parking spaces for *persons* with disabilities must be:

- (a) a minimum of 3.7 m in width and a minimum depth of 5.8 m and a slope less than 2%;
- (b) surfaced with concrete or asphalt to provide ease of access for wheelchairs;
- (c) constructed and located to allow convenient access to the entrance of a *building* or *use* for which the spaces are provided; and
- (d) marked by a painted wheelchair symbol on the pavement and signage in accordance with the *Motor Vehicle Act*.

PART 4 – RESIDENTIAL ZONES

3166.05

Low Density Residential Zone

LDR

4.1 Intent

4.1.1 The intent of the Low Density Residential (LDR) zone is to permit up to four *dwelling units* on *parcels* in a variety of *building forms*, including *attached and detached secondary suites, single-unit dwellings, two-unit dwellings, multi-unit rowhouse dwellings, and multi-unit dwellings.*

4.2 Permitted Uses

4.2.1 The *uses* permitted in the LDR *zone* are as follows:

Principal Uses	Accessory Uses
<i>Dwelling, Multi-Unit</i>	<i>Bed and Breakfast</i>
<i>Dwelling, Multi-Unit Rowhouse</i>	<i>Home-Based Business</i>
<i>Dwelling, Single-Unit</i>	<i>Residential Daycare</i>
<i>Dwelling, Two-Unit</i>	<i>Secondary Suite, Attached</i>
<i>Dwelling, Two-Unit Rowhouse</i>	<i>Secondary Suite, Detached</i>
	<i>Short-Term Rental</i>

Commented [KY19]: There is no planning rationale to differentiate between side-by-side or stacked duplexes.

4.3 Development Regulations

4.3.1 Development in the LDR *zone* is subject to the following:

Development Criteria	Regulations	
Maximum <i>Density</i>	4 <i>dwelling units</i> per <i>parcel</i>	
Maximum <i>Parcel Coverage</i>	50%	
Driveway Access	Where a <i>parcel</i> abuts a dedicated <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i> , access must only be from the <i>lane</i> .	
Principal Building	Regulations	
Maximum <i>Height</i>	11 m (3 <i>habitable storeys</i>)	
Minimum <i>Parcel Line Setback</i>	Front	3 m
	Rear	4 m
	Side, Interior	1.5 m
	Side, Exterior	3 m
Minimum <i>Garage Setback</i>	6 m where the garage door is facing a <i>highway</i> .	

RESIDENTIAL ZONES

Accessory Buildings and Structures		Regulations
Maximum Height		5 m for <i>buildings</i> without a <i>detached secondary suite</i> on the second storey.
		7.5 m for <i>buildings</i> with a <i>detached secondary suite</i> on the second storey.
Minimum Parcel Line Setback	Front	6 m
	Rear	1.5 m
	Side, Interior	1.5 m
	Side, Exterior	3 m

4.3.2 ~~The maximum number of suites is one *attached secondary suite* or one *detached secondary suite* per primary dwelling unit.~~

4.3.3 ~~The maximum gross floor area of an *attached secondary suite* or *detached secondary suite* is 90 m².~~

Commented [KY20]: These provisions were previously removed, but staff have determined that there is value in including these parameters in the context of setbacks, height, and DCC exemptions for suites.

4.4 Subdivision Regulations

4.4.1 *Subdivision* in the LDR zone is subject to the following:

Subdivision Criteria	Conditions
Minimum Parcel Area	600 m ²
Minimum Parcel Frontage	15 m

RESIDENTIAL ZONES

Medium Density Residential Zone

MDR

4.5 Intent

4.5.1 The intent of the Medium Density Residential (MDR) zone is to permit a mix of housing types and provide for *multi-unit rowhouse dwellings* and *multi-unit dwellings* that accommodate a variety of *building forms* up to four (4) *storeys* in *height*.

4.6 Permitted Uses

4.6.1 The uses permitted in the MDR zone are as follows:

Principal Uses	Accessory Uses
Community Care Facility Assisted Living Residential Facility Dwelling, Multi-Unit Dwelling, Multi-Unit Rowhouse	Home-Based Business <u>Secondary Suite, Attached</u>

Commented [KY21]: The BC Building Code permits secondary suites in rowhouse units.

4.7 Development Regulations

4.7.1 Development in the MDR zone is subject to the following:

Development Criteria	Regulations		
Maximum Parcel Coverage	50% for all <i>buildings</i> and <i>structures</i> combined		
Minimum Floor Area Ratio	0.5:1		
Maximum Floor Area Ratio	Base Density	Bonus Density I	Bonus Density II
	1.2:1	1.4:1	1.6:1
Amenities Required for Bonus Density I	A density bonus of up to 0.2 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or affordable <i>housing units</i> <u>for a period of 80 years</u> .		

Commented [KY22]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

Commented [KY23]: New provincial legislation requires the specific length of time to be identified in the regulation. The housing agreements that the City has entered into have been for 80 years.

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Amenities Required for Bonus Density II	A density bonus of up to 0.4 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the City to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or affordable housing units for a period of 80 years ; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.
Parcel Access	Where a <i>parcel</i> abuts a <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i> , access must only be from the <i>lane</i> .

Commented [KY24]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

Principal Building		Regulations
Maximum Height		14 m (4 habitable storeys)
Minimum Height		2 habitable storeys
Minimum Parcel Line Setback	Front	3 m
	Rear	10 m where driveway access and parking is located behind the principal building; 4 m where 100% of parking is provided beneath a principal building.
	Side, Interior	1.5 m
	Side, Exterior	3 m
Maximum Parcel Line Setback	Front	6 m
	Side, Exterior	4 m
Minimum Garage Setback		6 m where the garage door is facing a <i>highway</i> .
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
Minimum Parcel Line Setback	Front	4 m
	Rear	1.2 m
	Side, Interior	1.2 m
	Side, Exterior	4 m

Commented [KY25]: Unfortunately, this regulation creates situations where there is no minimum rear yard setback (e.g. most of parking is beneath the building, but not all, and the driveway access and parking are not located behind the principal building).

4.7.2 A single unit or two unit dwelling to which this section applies may be rebuilt for a residential use if it is damaged to the extent of 75% or more of its value above the foundation, despite any rule in the *Local Government Act* that would limit the use of the building if rebuilt, provided that its *floor area* is not increased and the number of *dwelling units* in the building is not increased.

4.7.24.7.3 ~~The maximum gross floor area of an attached secondary suite is 90 m²~~

Commented [KY26]: These provisions were previously removed, but staff have determined that there is value in including these parameters in the context of setbacks, height, and DCC exemptions for suites.

4.8 Conditions of Use and Subdivision Regulations

4.8.1 Permitted uses within the MDR zone are subject to the following conditions of use:

Parcel Area and Frontage by Use	Conditions	
Minimum Parcel Area for Multi-Unit Dwellings	600 m ²	
Minimum Parcel Frontage for Multi-Unit Dwellings	15 m	
Minimum Parcel Area for Rowhouse Dwelling	250 m ²	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) exterior side yard.
	200 m ²	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) interior side yard.
	150 m ²	for a dwelling unit which shares a party wall with two (2) other dwelling units.
Minimum Parcel Frontage for Rowhouse Dwelling	9 m	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) exterior side yard.
	7.5 m	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) Interior side yard.
	5 m	for a dwelling unit which shares a party wall with two (2) other dwelling units.

4.8.1 Despite Subsection 4.8.1, where the proposed use is a multi-unit rowhouse dwelling, subdivision shall only be permitted once the building is substantially commenced in accordance with an approved Development Permit and subsequent Building Permit.

4.8.2 An attached secondary suite is only permitted in a multi-unit rowhouse dwelling and is limited to one (1) attached secondary suite per primary dwelling unit.

4.8.14.8.3 Where a development with a multi-unit dwelling contains at least 20 dwelling units, a minimum of 20% of the dwelling units in the development must be 2-bedroom units and a minimum of 10% of the dwelling units in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one dwelling unit.

Commented [KY27]: The OCP seeks to have family-sized units in new housing development. Minimum unit mixes have been secured through the rezoning process. However, in the absence of a rezoning application, the City wouldn't be able to ensure that there are 2- and 3-bedroom units in new development.

4.9 Site-Specific Development Regulations

4.9.1 The following site-specific development regulation applies to the property listed in this subsection:

Civic Address	Legal Description
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RESIDENTIAL ZONES

<u>Portion of 531 Herbert Street</u>	<u>Eastern-most portion of LOT 1 SECTION 19 RANGE 5 QUAMICHAN DISTRICT PLAN VIP76282 PID 025-818-759, extending 24.62 m from the eastern parcel boundary.</u>
<u>Development Criteria</u>	<u>Regulation</u>
<u>Maximum Height of Principal Building</u>	<u>11 m (3 habitable storeys)</u>

Commented [KY28]: This property has three land use categories under the Cairnsmore Sustainable Neighbourhood Plan: Institutional / Community, Medium Density Residential, and Transitional Low / Medium Density Residential. This site-specific section is referring to portion of the property in the Transitional category. This category indicates an approximate building height of 1 to 2.5 storeys. However, since the maximum height in the LDR zone is 3 storeys, a matching 3 storey maximum height is proposed, which is lower than the 4 storey maximum height supported in the Medium Density Residential designation in the OCP.

COMMERCIAL ZONES

High Density Residential Zone	HDR
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4.94.10 Intent

4.9.14.10.1 The intent of the High Density Residential (HDR) zone is to permit *multi-unit dwellings* that can accommodate a variety of *building forms* up to 5 *storeys in height*.

4.104.11 Permitted Uses

4.10.14.11.1 The uses permitted in the HDR zone are as follows:

Principal Uses	Accessory Uses
Assisted Living Residential Facility Community Care Facility Dwelling, Multi-Unit Dwelling, Multi-Unit Rowhouse	Home-Based Business Offices for the provision of support services for residents in a Multi-Unit Dwelling development for women who have experienced or are at risk of violence <u>Secondary Suite, Attached</u>

Commented [KY29]: The BC Building Code permits secondary suites in rowhouse units.

4.114.12 Development Regulations

4.11.14.12.1 Development in the HDR zone is subject to the following:

Development Criteria	Regulations		
Maximum Parcel Coverage	70% for all buildings and structures combined		
Minimum Floor Area Ratio	0.75:1		
Maximum Floor Area Ratio	Base Density	Bonus Density I	Bonus Density II
	2.4:1	2.7:1	3:1
Amenities Required for Bonus Density I	A density bonus of up to 0.3 above the base density is permitted if the developer enters a <i>housing agreement</i> with the City, to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are <u>rental or affordable housing units for a period of 80 years</u> .		

Commented [KY30]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

Commented [KY31]: New provincial legislation requires the specific length of time to be identified in the regulation. The housing agreements that the City has entered into have been for 80 years.

COMMERCIAL ZONES

Amenities Required for Bonus Density II	A density bonus of up to 0.6 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the City to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or affordable housing units for a period of 80 years ; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.
Parcel Access	Where a <i>parcel</i> abuts a <i>lane</i> intended for <i>motor vehicle</i> access to a <i>parcel</i> , access must only be from the <i>lane</i> .

Commented [KY32]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

Principal Building		Regulations
Maximum Height		17 m (5 habitable storeys)
Minimum Height		3 habitable storeys
Minimum Parcel Line Setback	Front	3 m
	Rear	10 m where driveway access and parking is located behind the principal building. 4 m where 100% of parking is provided beneath a principal building.
	Side, Interior	1.5 m
	Side, Exterior	3 m
Maximum Parcel Line Setback	Front	6 m
	Side, Exterior	6 m
Minimum Garage Setback		6 m where the garage door is facing a <i>highway</i> .
Accessory Buildings and Structures		Regulations
Maximum Height		5 m
Minimum Parcel Line Setback	Front	4 m
	Rear	1.2 m
	Side, Interior	1.2 m
	Side, Exterior	4 m

Commented [KY33]: Unfortunately, this regulation creates situations where there is no minimum rear yard setback (e.g. most of parking is beneath the building, but not all, and the driveway access and parking are not located behind the principal building).

4.11.24.12.2 A single unit or two unit dwelling to which this section applies may be rebuilt for a residential use if it is damaged to the extent of 75% or more of its value above the foundation, despite any rule in the Local Government Act that would limit the use of the building if rebuilt, provided that its floor area is not increased and the number of dwelling units in the building is not increased.

4.12.3 The maximum gross floor area of an attached secondary suite is 90 m²

Commented [KY34]: These provisions were previously removed, but staff have determined that there is value in including these parameters in the context of setbacks, height, and DCC exemptions for suites.

4.124.13 Conditions of Use and Subdivision Regulations

4.12.14.13.1 Permitted Uses within the HDR zone is subject to the following conditions of use:

Parcel Area and Frontage by Use	Conditions	
Minimum Parcel Area for Multi-Unit Dwellings	600 m ²	
Minimum Parcel Frontage for Multi-Unit Dwellings	15 m	
Minimum Parcel Area for Rowhouse Dwelling	250 m ²	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) exterior side yard.
	200 m ²	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) interior side yard.
	150 m ²	for a dwelling unit which shares a party wall with two (2) other dwelling units.
Minimum Parcel Frontage for Rowhouse Dwelling	9 m	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has 1 exterior side yard.
	7.5 m	for a dwelling unit which shares a party wall with one (1) other dwelling unit and has one (1) interior side yard.
	5 m	for a dwelling unit which shares a party wall with two (2) other dwelling units.

4.12.24.13.2 Despite Subsection 4.12.1, where the proposed use is a Multi-Unit Rowhouse Dwelling, subdivision shall only be permitted once the building is substantially commenced in accordance with an approved Development Permit and subsequent Building Permit.

4.12.34.13.3 An attached secondary suite is only permitted in a multi-unit rowhouse dwelling and is limited to one (1) attached secondary suite per primary dwelling unit.

4.13.4 Where a development with a multi-unit dwelling contains at least 20 dwelling units, a minimum of 20% of the dwelling units in the development must be 2-bedroom units and a minimum of 10% of the dwelling units in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one dwelling unit.

Commented [KY35]: The OCP seeks to have family-sized units in new housing development. Minimum unit mixes have been secured through the rezoning process. However, in the absence of a rezoning application, the City wouldn't be able to ensure that there are 2- and 3-bedroom units in new development.

3166.10

4.134.14 Site-Specific Development Regulations and Conditions of Use

~~4.13.14.14.1~~ The following site-specific development regulations and conditions of use apply to the property listed in this subsection:

Civic Address	Legal Description
490 Ypres Street	LOT A SECTION 17 RANGE 6 QUAMICHAN DISTRICT PLAN VIP81324 PID 026-734-958
483 Festubert Street	LOT 21, BLOCK 5, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN 1063 PID 008-069-841
491 Festubert Street	LOT 22, BLOCK 5, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN 1063 PID 004-803-531
Development Criteria	Regulations
Minimum Unit Mix for Multi-Unit Dwelling	2-bedroom <i>dwelling units</i> : 20% of total number of <i>dwelling units</i> 3-bedroom <i>dwelling units</i> : 9% of total number of <i>dwelling units</i>
Maximum Principal Building Height	24 m (6 habitable storeys)
Minimum <i>parcel line setback</i> for accessory structures used solely to provide weather protection for <i>short-term bicycle parking</i>	0 m
Minimum <i>Parcel Line Setback</i> for Underground Parkade	0 m
Minimum Number of Off-Street Parking Spaces	1 per <i>dwelling unit</i>

4.14.2 The following site-specific development regulation applies to the property listed in this subsection:

Civic Address	Legal Description
262 E.J. Hughes Place	LOT 1 SECTION 17 RANGE 6 QUAMICHAN DISTRICT PLAN EPP28469 PID 029-108-659
Development Criteria	Regulations
Maximum Height of Principal Building	20 m (6 habitable storeys)

Commented [KY36]: This property had a previous development permit application from 2020, but the DTC zone does not permit residential-only buildings. This property is proposed to be rezoned to HDR, but retaining the maximum 6 storey height permitted under the DTC zone.

PART 5 – COMMERCIAL ZONES

Downtown Comprehensive Zone

DTC

5.1 Intent

5.1.1 The intent of the Downtown Comprehensive (DTC) *zone* is to permit a broad range of *residential* and *non-residential uses* including *mixed-use developments* up to 6 *storeys* in *height* in the downtown area.

3166.02

5.2 Permitted Uses

5.2.1 The *uses* permitted in the DTC *zone* are as follows:

3166.02

Principal Uses	Accessory Uses	Conditions of Use
<p>Residential Uses: Assisted Living Residential Facility* Community Care Facility* Dwelling, Multi Unit*</p> <p>Non-Residential Uses: Commercial Daycare Community Use Craft Beverage Production Cultural Use Education Facility Financial Institution Funeral Service Facility Mobile Food Vending Hospital Office Parking Facility Public Market Recreation Facilities, Indoor Repair Service, General Retail & Personal Service* Restaurant Social Service Tourist Accommodation</p>	<p><i>Home-Based Business in a Multi-Unit Dwelling</i></p>	<p>* Where the <i>Retail & Personal Service use</i> is a store selling previously owned or used goods, outside display of goods is limited to a maximum of 3.7 m².</p> <p>* <i>Dwelling units or sleeping units</i> are permitted above the <i>first storey</i> only</p> <p>* <i>Uses on the first storey</i> of a <i>building with a Residential Use</i> must provide service to persons off-site, not only to <i>owners or occupiers</i> of the <i>building</i>.</p> <p>* Off-street parking, access, and circulation (ex. entry, lobby, stairs, elevators, hallways, etc.), and other amenities and services associated with a <i>Residential Use</i> are permitted on the <i>first storey</i>, provided their combined area does not exceed 60% of the total <i>first storey</i> gross floor area.</p>

*Conditions of use apply

5.3 Development Regulations

5.3.1 Development in the DTC zone is subject to the following:

Development Criteria		Regulations		
Maximum Parcel Coverage		95%		
Minimum Floor Area Ratio		1.0:1		
Maximum Floor Area Ratio		Base Density	Bonus Density I	Bonus Density II
		3:1	3.3:1	3.6:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.3 above the base density is permitted if the developer enters a <i>housing agreement</i> with the City, to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental or affordable housing units <u>for a period of 80 years</u> .		
Amenities Required for Bonus Density II		<p>A density bonus of up to 0.6 above the base density is permitted if at least one of the following conditions are met:</p> <ul style="list-style-type: none"> (i) The developer enters a <i>housing agreement</i> with the City to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or affordable housing units <u>for a period of 80 years</u>; (ii) 100 % of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i>; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements. 		
Principal Building		Regulations		
Maximum Height		20 m (6 habitable storeys) for <i>Mixed-Use Development</i> 14 m (4 habitable storeys) for other uses		
Minimum Height		2 storeys		
Minimum Parcel Line Setback	Front	1 m; 0 m on Station Street and Craig Street		
	Rear	0 m		
	Side, Interior	0 m		
	Side, Exterior	1 m; 0 m on Station Street and Craig Street		
Maximum Front or Exterior Side Parcel Line Setback		3 m No more than 25% of the front or exterior side of a <i>building</i> shall be set back further than the maximum <i>setback</i> .		

Commented [KY37]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

Commented [KY38]: New provincial legislation requires the specific length of time to be identified in the regulation. The housing agreements that the City has entered into have been for 80 years.

Commented [KY39]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

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Accessory Buildings and Structures		Regulations
Maximum Height		4 m
Minimum Parcel Line Setback	Front	15 m
	Rear	0 m
	Side, Interior	0 m
	Side, Exterior	5 m

5.3.2 A multi-unit dwelling strata development with more than 74% parcel coverage, to which this section applies, may be rebuilt in its existing location if it is damaged to the extent of 75% or more of its value above the foundation, provided that its floor area is not increased and the number of dwelling units in the building is not increased.

3166.02 5.3.3 No more than 25% of the building frontage within the first storey of a mixed-use development shall be used for a parking facility.

3166.02 5.3.4 The first storey of a building must have non-residential uses, not including required parking for those uses, totaling a minimum floor area of 200 m² OR 40% of the building footprint area, whichever is greater.

3166.02 5.3.5 If all the required parking spaces for a building, excluding off-street loading spaces, are provided within the building footprint the minimum area for non-residential uses on the first storey under 5.3.4 is reduced to 25% of the building footprint area.

5.4 Conditions of Use and Subdivision Regulations

5.4.1 Subdivision in the DTC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum Parcel Area	700 m ²
Minimum Parcel Frontage	20 m

5.4.2 Where a mixed use development with a multi-unit dwelling contains at least 20 dwelling units, a minimum of 20% of the dwelling units in the development must be 2-bedroom units and a minimum of 10% of the dwelling units in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one dwelling unit.

Commented [KY40]: The OCP seeks to have family-sized units in new housing development. Minimum unit mixes have been secured through the rezoning process. However, in the absence of a rezoning application, the City wouldn't be able to ensure that there are 2- and 3-bedroom units in new development.

5.5 Site Specific Uses and Development Regulations

5.5.1 The following uses and development regulations shall be permitted on a site-specific basis only:

Site-specific Uses and Development Regulations	Location
Automotive Repair Shop	462 Duncan Street – LOT 3, BLOCK 1, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN VIP 854
Car Wash	71 Trunk Road – LOT A, BLOCK 2, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN VIP 2070

COMMERCIAL ZONES

<i>Motorcycle Repair and Sales</i>	277 Government Street – LOT 7, BLOCK 12, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN VIP 2070
<i>Multi-Unit Dwelling that contains only two dwelling units Minimum floor area ratio: 0.5:1</i>	725 Canada Avenue – LOT A (DD ED130010), SECTION 18, RANGE 6, QUAMICHAN DISTRICT, PLAN 5481

Neighbourhood Commercial Zone

NC

5.6 Intent

3166.02 5.6.1 The intent of the Neighbourhood Commercial (NC) zone is to permit a range of residential and non-residential uses that are intended to contribute to a vibrant neighbourhood with street-oriented buildings, and infrastructure and facilities focused on active transportation.

5.7 Permitted Uses

5.7.1 The uses permitted in the NC zone are as follows:

Principal Uses	Accessory Uses	Conditions of Use
Residential Uses: Assisted Living Residential Facility* Community Care Facility* Dwelling, Multi-Unit*	Home-Based Business in a Multi-Unit Dwelling Dwelling, Accessory	* Dwelling units or sleeping units are permitted above the first storey. * Uses on the first storey of a building with a Residential Use must provide service to persons off-site, not only to owners or occupiers of the building.
Non-Residential Uses: Community Use Commercial Daycare Cultural Use Craft Beverage Production Dog Grooming Education Facility Financial Institution Funeral Service Facility Mobile Food Vending Indoor Recreation Facilities Office Parking Facility Public Market Repair Service, Automotive Repair Service, General Retail & Personal Service Restaurant Social Service Tourist Accommodation		* Off-street parking, access, and circulation (ex. entry, lobby, stairs, elevators, hallways, etc.), and other amenities and services associated with a Residential Use are permitted on the first storey.

*Conditions of use apply

5.8 Development Regulations

5.8.1 Development in the NC zone is subject to the following:

COMMERCIAL ZONES

Development Criteria		Regulations		
Maximum <i>Parcel Coverage</i>		70%		
Minimum <i>Floor Area Ratio</i>		0.5:1		
Maximum <i>Floor Area Ratio</i>		Base Density	Bonus Density I	Bonus Density II
		1.9:1	2.1:1	2.4:1
Development Criteria		Regulations		
Amenities Required for Bonus Density I		A density bonus of up to 0.2 above the base density is permitted if the developer enters a <i>housing agreement</i> with the <i>City</i> , to require that a minimum of 30% of the <i>dwelling units</i> in the entire development are rental units or affordable housing units for a period of 80 years .		
Amenities Required for Bonus Density II		A density bonus of up to 0.5 above the base density is permitted if at least one of the following conditions are met: (i) The developer enters a <i>housing agreement</i> with the <i>City</i> to require that a minimum of 75% of the <i>dwelling units</i> in the entire development are rental units or affordable housing units for a period of 80 years ; (ii) 100 percent of the required parking spaces for the entire development are located underground or within a parking <i>structure</i> incorporated into the design of the <i>building</i> ; or (iii) The entire development achieves or exceeds British Columbia Energy Step Code Level 3 energy efficiency requirements.		
Outdoor Storage		Outdoor storage areas must be screened from <i>highways</i> in accordance with section 3.23.		
Principal Building		Regulations		
Maximum <i>Height</i> :		14 m (4 <i>habitable storeys</i>)		
Minimum <i>Height</i> :		2 <i>habitable storeys</i>		
Minimum <i>Parcel Line Setback</i>	Front	4 m		
	Rear	0 m, except where a <i>parcel</i> abuts a residential <i>zone</i> , the minimum <i>rear parcel line setback</i> is 8 m.		
	Side, Interior	0 m on one side, 4 m on the other side, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 5 m.		
	Side, Exterior	4 m		
Maximum <i>Parcel Line Setback</i>	Front	6 m		
	Side, Exterior	6 m		
Accessory Buildings and Structures		Regulations		
Maximum <i>Height</i>		5 m		
	Front	8 m		

Commented [KY41]: New provincial legislation requires the specific length of time to be identified in the regulation. The housing agreements that the City has entered into have been for 80 years.

Commented [KY42]: This provision was created with the intent to encourage rental developments, but the vast majority of proposals are for rental developments, so there is no need to incentivize this.

COMMERCIAL ZONES

Minimum Parcel Line Setback	Rear	0 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>rear parcel line setback</i> is 8 m.
	Side, Interior	1.2 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 5 m.
	Side, Exterior	1.2 m

3166.02 5.8.2 No more than 25% of the building frontage within the *first storey* of a *mixed-use development* shall be used for a *parking facility*.

3166.02 5.8.3 The *first storey* of a building must have *non-residential uses*, not including required parking for those uses, totaling a minimum floor area of 150 m² OR 25% of the *building footprint* area, whichever is greater.

3166.02 5.8.4 If all the required parking spaces for a building, excluding *off-street loading* spaces, are provided within the *building footprint*, the minimum area for *non-residential uses* on the *first storey* under 5.8.3 is reduced to 20% of the building footprint area.

5.9 Conditions of Use and Subdivision Regulations

5.9.1 *Subdivision* in the NC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

5.9.2 Where a *mixed use development* with a *multi-unit dwelling* contains at least 20 *dwelling units*, a minimum of 20% of the *dwelling units* in the development must be 2-bedroom units and a minimum of 10% of the *dwelling units* in the development must be 3-bedroom units, and where the calculation results in a fractional unit of 0.5 or more, that fractional unit is considered one *dwelling unit*.

Commented [KY43]: The OCP seeks to have family-sized units in new housing development. Minimum unit mixes have been secured through the rezoning process. However, in the absence of a rezoning application, the City wouldn't be able to ensure that there are 2- and 3-bedroom units in new development.

5.10 Site Specific Uses

5.10.1 The following *uses* shall be permitted on a site-specific basis only:

Site-specific Uses	Location
<i>Automotive Fueling Station</i>	1006 Government Street – Lot A, Section 19, Range 5, Quamichan District, Plan VIP 54586
<i>Automotive Fueling Station and Car Wash</i>	1007 Canada Avenue – Lot 2, Section 19, Range 6, Quamichan District, Plan VIP 6745 (except Plan 22556)

COMMERCIAL ZONES

Highway Corridor Commercial Zone

HCC

5.11 Intent

5.11.1 The intent of the Highway Corridor Commercial (HCC) zone is to permit a range of commercial uses that are automobile-oriented and require convenient access to the Trans-Canada Highway.

5.12 Permitted Uses

5.12.1 The uses permitted in the HCC zone are as follows:

Principal Uses	Accessory Uses	Conditions of Use
<i>Automotive Fueling Station</i> <i>Car Wash</i> <i>Cheque-Cashing*</i> <i>Commercial Daycare</i> <i>Community Use</i> <i>Craft Beverage Production</i> <i>Cultural Use</i> <i>Dog Grooming</i> <i>Drive Through</i> <i>Education Facility</i> <i>Financial Institution</i> <i>Funeral Service Facility</i> <i>Mobile Food Vending</i> <i>Office</i> <i>Pawn Shop*</i> <i>Public Market</i> <i>Recreation Facilities, Indoor</i> <i>Repair Service, Automotive</i> <i>Repair Service, General</i> <i>Retail & Personal Service</i> <i>Restaurant</i> <i>Tourist Accommodation</i>	<i>Dwelling, Accessory</i> <i>Home-Based Business</i> <i>Parking Facility</i>	<p>*A <i>Cheque-Cashing</i> business must be at least 500 m from any other <i>Cheque-Cashing</i> business.</p> <p>*A <i>Pawn Shop</i> must be at least 500 m from any other <i>Pawn Shop</i>.</p>

*Conditions of use apply.

Commented [KY44]: If housing is supported within and near the highway corridor / Gateway Commercial designation, there is no planning rationale not to support a wider variety of commercial uses and services to support those residents.

5.13 Development Regulations

5.13.1 Development in the HCC zone is subject to the following:

Development Criteria	Regulations
Maximum <i>Parcel Coverage</i>	40%
Minimum <i>Floor Area Ratio</i>	0.3:1

COMMERCIAL ZONES

Maximum <i>Floor Area Ratio</i>	1.5:1
Maximum <i>Residential Density</i>	1 <i>accessory dwelling</i>
Outdoor Storage (does not include retail display areas)	Outdoor storage areas must be screened from <i>highways</i> in accordance with section 3.23.

Principal Building		Regulations
Maximum <i>Height</i> :		14 m (4 <i>habitable storeys</i>)
Minimum <i>Height</i> :		2 <i>habitable storeys</i>
Minimum <i>Parcel Line Setback</i>	Front	4 m
	Rear	0 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>rear parcel line setback</i> is 8 m.
	Side, Interior	0 m on one side, 4 m on the other side, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 5 m.
	Side, Exterior	4 m
Maximum <i>Front Parcel Line Setback</i>		6 m
Accessory Buildings and Structures		Regulations
Maximum <i>Height</i>		5 m
Minimum <i>Parcel Line Setback</i>	Front	8 m
	Rear	0 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>rear parcel line setback</i> is 8 m.
	Side, Interior	1.2 m, except where a <i>parcel</i> abuts land with residential zoning, the minimum <i>interior side parcel line setback</i> is 8 m.
	Side, Exterior	1.2 m

5.14 Subdivision Regulations

5.14.1 *Subdivision* in the HCC zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

5.15 Site Specific Uses and Development Regulations

5.15.1 The following *uses* shall be permitted on a site-specific basis only:

Site-specific Uses	Location
<i>Automotive Sales</i>	439 Trans Canada Highway – Lot A, Section 17, Range 6, Quamichan District, Plan VIP 44109
<i>Automotive Sales</i>	461 Trans Canada Highway – Lot 1, Section 17, Range 6, Quamichan District, Plan VIP 53706

COMMERCIAL ZONES

<i>Automotive Sales</i>	467 Trans Canada Highway – the southern half of Lot 1, Section 17, Range 6, Quamichan District, Plan VIP 29603
<i>Automotive Sales</i>	466 St. Julien Street – Lot A, Section 17, Range 6, Quamichan District, Plan VIP 82436

5.15.2 Principal buildings used for *automotive sales* on the *parcels* in sub-section 5.15.1 are not subject to the Minimum *Floor Area Ratio*, Minimum *Height* or Maximum *Front Parcel Line Setback* regulations in section 5.13.

PART 6 – COMMUNITY USE ZONES

Community Service Zone

CS

6.1 Intent

6.1.1 The intent of the Community Services (CS) zone is to permit a variety of *institutional uses* and *community-oriented uses*.

6.2 Permitted Uses

6.2.1 The *uses* permitted in the CS zone are as follows:

Principal Uses	Accessory Uses
Assisted Living Residential Facility	Dwelling, Accessory
Community Use	Restaurant
Cultural Use	Retail
Commercial Daycare	Office
Community Care Facility	Mobile Food Vending
Education Facility	
Fish Hatchery	
Hospital	
Institutional Use	
Indoor Recreation Facilities	
Outdoor Recreation	
Treatment Centre	

6.3 Development Regulations

6.3.1 Development in the CS zone is subject to the following:

Development Criteria	Regulations	
Maximum Parcel Coverage	40%	
Maximum Density	1 accessory dwelling unit per parcel	
Principal Building	Regulations	
Maximum Height	14 m (4 storeys) for <i>Principal Buildings</i>	
Minimum Parcel Line Setback	Front	5 m
	Rear	3 m
	Side, Interior	3 m
	Side, Exterior	5 m
Accessory Buildings and Structures	Regulations	
Maximum Height	5 m	
Minimum Parcel Line Setback	Front	5 m
	Rear	1.2 m
	Side, Interior	1.2 m
	Side, Exterior	5 m

6.4 Subdivision Regulations

6.4.1 *Subdivision* in the CS zone is subject to the following:

Subdivision Criteria	Regulations
Minimum <i>Parcel Area</i>	600 m ²
Minimum <i>Parcel Frontage</i>	15 m

6.5 Site-Specific Development Regulations

3166.04

6.5.1 The following site-specific development regulations apply to the properties listed in this sub-section and are applicable only to an affordable housing development designed, constructed, and operated in accordance with the parameters of the provincial government Building BC: Community Housing Fund Program:

Civic Address	Legal Description
162 First Street	LOT 3, BLOCK 1, SECTION 18, RANGE 6, QUAMICHAN DISTRICT, PLAN 798 PID 008-462-623
486 Jubilee Street	LOT 1 BLOCK 1 SECTION 18 RANGE 6 QUAMICHAN DISTRICT PLAN 798 PID 008-462-569 LOT 2 BLOCK 1 SECTION 18 RANGE 6 QUAMICHAN DISTRICT PLAN 798 PID 008-462-593 LOT 14 BLOCK 17 SECTION 17 RANGE 6 QUAMICHAN DISTRICT PLAN 2070 PID 006-707-424
447 Tye Street	LOT 7, BLOCK 17, SECTION 17, RANGE 6, QUAMICHAN DISTRICT, PLAN 2070 PID 006-705-499
Development Criteria	Regulations
Maximum <i>Parcel Coverage</i>	60%
Maximum <i>Height</i>	22 m (6 storeys) for <i>Principal Buildings</i>
Minimum <i>Parcel Line Setbacks</i>	Front and Exterior Side: 1 m Rear and Interior Side: 2 m

COMMUNITY SERVICES ZONES

Maximum permitted projection of eaves, exterior finish, green wall, gutter, cornice, sunlight control projection	1 m
Minimum number of <i>off-street parking</i> spaces for <i>motor vehicles</i>	36 total spaces for all <i>uses</i> combined
Maximum percentage of small vehicle parking spaces	34%
Minimum two way aisle width for 90 degree small vehicle parking	6.0 m

COMMUNITY SERVICES ZONES

Community Park Zone

CP

6.6 Intent

6.6.1 The intent of the *Community Park* (CP) zone is to permit the full range of park and protected area uses, including community and neighbourhood parks.

6.7 Permitted Uses

6.7.1 The uses permitted in the CP zone are as follows:

Principal Uses	Accessory Uses
<i>Community Use</i> <i>Park, Community</i> <i>Indoor Recreation Facilities</i> <i>Institutional Use</i> <i>Outdoor Recreation</i> <i>Parking Facility</i>	<i>Office</i> <i>Mobile Food Vending</i> <i>Commercial Daycare</i>

6.8 Development Regulations

6.8.1 Development in the CP zone is subject to the following:

Development Criteria	Regulations
Maximum <i>Parcel Coverage</i>	30%
Principal Building	Regulations
Maximum <i>Height</i>	14 m (4 storeys) for <i>principal buildings</i>
Minimum <i>Parcel Line Setback</i>	5 m
Accessory Buildings and Structures	Regulations
Maximum <i>Height</i>	5 m
Minimum <i>Parcel Line Setback</i>	5 m

PART 7 – DEFINITIONS

Definitions found throughout this Bylaw are as follows:

A

Accessory Building means a *building* used for a purpose that is accessory and subordinate to the *use* of the *principal building* or to a *principal use* of the *parcel* and located on the same *parcel*.

Accessory Use means a *use* that is accessory and subordinate to and associated with a *principal use* or *building* located on the same *parcel*.

~~**Affordable** means annual housing costs (rent or mortgage and taxes) do not exceed 30% of a household's gross annual income (assuming home ownership costs include a down payment of 10%, mortgage principal and interest amortized over 25 years and taxes).~~

Commented [KY45]: This definition is only included for the purpose of the affordable housing definition and is redundant.

~~**Affordable Housing** means affordable rental housing which, under the terms of a *Housing Agreement* with the *City* or an agreement with a provincial or federal government agency, has a ~~market or~~ rental price that is at least 20 percent below the market rental price or, in the case of rent geared to income, a rental price that does not exceed 30 percent of the household income of the occupants. The market rental price is the rental price that could otherwise be charged in the local market, based on appraisal evidence, as determined by a professional property valuation firm or appraiser accredited under the Appraisal Institute of Canada, and knowledge in the multi-unit residential real estate market in the Duncan area. ~~affordable or is for households that have a gross income that is 60% or less than the median gross household income in the City of Duncan as reported by Statistics Canada only.~~~~

Commented [KY46]: This revised definition generally matches the definition of affordable housing in the City's DCC waiver bylaw.

Assisted Living Residential Facility means a *residential use* which provides *sleeping units* or *dwelling units* for persons aged 55 or older, or for persons of any age with physical or mental health challenges; within which may be provided meal preparation and common dining areas, housekeeping and other support services, and may contain accessory *retail and personal service* uses.

DEFINITIONS

Automotive Fueling Station means the land, *buildings* or *structures* used for the retail sale of motor fuels and lubricants and the charging of electric vehicles, which may include an accessory retail store, *car wash*, service and minor repair of *motor vehicles* and the sale of automobile accessories.

Automotive Sales means the *use* of a *building*, *structure*, or land for the sale, lease, or rental of *motor vehicles* and includes the subsidiary servicing and repair of *motor vehicles*.

Auto Wrecking means a business that salvages, dismantles, or stores wrecked or decommissioned vehicles.

B

Backyard Hen Enclosure means an area of land on a *parcel* used for the keeping of *hens*.

Basement means a *storey* or *storeys* of a *building* located below the *first storey*.

~~**Bed and Breakfast** means the accessory use of a parcel for temporary accommodation in sleeping units in a single-unit dwelling or in a Detached Secondary Suite, where guests are provided a breakfast meal, and no other meals, on the premises.~~

Commented [KY47]: This is proposed to be replaced with the short term rental use.

Building means a *structure* which is used or intended to be used for the support, enclosure or shelter of *persons*, animals or *property*.

Building Inspector means the *person(s)* appointed as such by the *City* and includes the authorized representatives of the *Building Inspector*.

Bylaw Enforcement Officer means the *person(s)* appointed by the *City* to enforce regulatory bylaws of the *City*.

C

Car Wash means the *use* of land, *buildings* or *structures* for washing *motor vehicles*.

Cheque-Cashing means the *use* of *buildings* or *structures* for exchanging cheques for cash as a *principal use*.

DEFINITIONS

City	means City of Duncan.
Commercial Vehicle	means any self-propelled or towed vehicle used in commerce to transport cargo or passengers.
Community Care Facility	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of care to <i>persons</i> who require specialized care for any purpose, operated in accordance with the <i>Community Care and Assisting Living Act</i> and <i>Residential Care Regulation</i> .
Community Use	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the assembly, gathering, or meeting of <i>persons</i> for religious, charitable, philanthropic, cultural, educational or any similar non-commercial purpose.
Condition of Use	means a condition that is required to be met in order to carry out a <i>use</i> in a <i>zone</i> .
Craft Beverage Production	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for production, storage and retail sales of beer, cider, spirits, mead or wine in a micro-brewery, cidery, distillery, meadery or winery.
Cultural Use	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a museum, art or craft gallery, visitor centre, or theatre for the performing arts.

D

Daycare, Residential (or <i>Residential Daycare</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the care of eight (8) or fewer <i>persons</i> who require supervision during the day.
Daycare, Commercial (or <i>Commercial Daycare</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the care of more than eight (8) <i>persons</i> who require supervision during the day.
Density	means the quantity of <i>dwelling units</i> in a given area or space.
Derelict Motor Vehicle	means all or part of any <i>motor vehicle</i> , other than a recreational trailer, which is not capable of operating under its own power and has not been insured for <i>use</i> on public <i>highways</i> within the previous 12 months.

Commented [KY48]: Community Care Facility is used throughout the bylaw.

DEFINITIONS

Dog Grooming	means an establishment for the hygienic care and cleaning of dogs and for enhancing their appearance, which may include dog daycare where dogs are kept indoors only and not overnight.
Drive Through	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of food, services or retail goods to customers in their <i>motor vehicles</i> , but excludes any <i>financial institution</i> , <i>car wash</i> , <i>automotive fueling station</i> or <i>automotive repair service</i> that provides such goods or services.
Dwelling, Accessory (or <i>Accessory Dwelling</i>)	means a <i>dwelling unit</i> which is an <i>accessory use</i> to a principal non- <i>residential use</i> on the same <i>parcel</i> .
Dwelling, Multi-Unit (or <i>Multi-Unit Dwelling</i>)	means a <i>building</i> containing three (3) or more <i>dwelling units</i> .
Dwelling, Single-Unit (or <i>Single-Unit Dwelling</i>)	means a <i>building</i> containing only one <i>primary</i> (1) <i>dwelling unit</i> and, where permitted by this bylaw, an <i>attached secondary suite</i> , and includes a factory built <i>dwelling unit</i> constructed in accordance with the British Columbia Building Code and the CSA A-277 Modular Home Standard.
Dwelling, Multi-Unit Rowhouse (or <i>Multi-Unit Rowhouse Dwelling</i>)	means a <i>building</i> comprised of at least three (3) <i>attached dwelling units</i> attached side by side and sharing common party walls by way of a legal agreement , where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i> .
Dwelling, Two-Unit Rowhouse (or <i>Two-Unit Rowhouse Dwelling</i>)	means a <i>building</i> comprised of two (2) <i>dwelling units</i> attached side by side and sharing a common <i>party wall</i> by way of a legal agreement, where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i>.
Dwelling, Two-Unit (or <i>Two-Unit Dwelling</i>)	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a dwelling comprised of two (2) <i>dwelling units</i> , where each <i>dwelling unit</i> has a separate ground-oriented entrance from the exterior of the <i>building</i> .
Dwelling Unit	means a self-contained living unit for residential use with <i>sleeping units</i> , sanitary facilities, and only one (1) <i>kitchen</i> .

Commented [KY49]: A rowhouse can be developed without a party wall.

Commented [KY50]: There is no planning rationale to differentiate between side-by-side or stacked duplexes.

E

DEFINITIONS

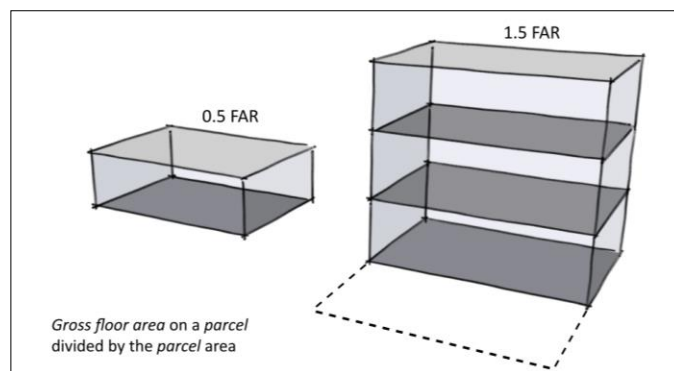
<i>Education Facility</i>	means land, <i>buildings</i> , or <i>structures</i> used for providing academic, commercial, or curriculum-based educational services.
<i>Electric Vehicle Charging Station</i>	means a vehicle parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy to a battery or other energy storage device in an electric or hybrid vehicle.
<i>Emergency Preparedness Kiosk</i>	means a container or other type of <i>structure</i> intended solely for use in response to natural disasters, diseases or other emergencies, and used for storage of emergency supplies such as bottled water, canned foods, clothing, bedding, and first aid supplies.

F

<i>Fabric Covered Structure</i>	means a manufactured <i>structure</i> consisting of a wood, metal, or plastic frame, covered on the roof and a maximum of three sides with fabric, polyethylene or soft vinyl, and intended for temporary storage purposes.
<i>Fence</i>	means a <i>structure</i> used as an enclosure or screening.
<i>Financial Institution</i>	means a bank, credit union, credit acceptance corporation, trust company, finance company or similar financial services establishment.
<i>First Storey</i>	means the uppermost <i>storey</i> having its floor level not more than 2 m above <i>finished grade</i> .
<i>Fish Hatchery</i>	means the land, <i>buildings</i> , or <i>structures</i> used for the purposes of artificial breeding, hatching and rearing through the early life stages of finfish or shellfish.
<i>Food Cart</i>	means a non-motorized mobile cart with a maximum area of 4.65 m ² from which food and beverages are carried, contained, and offered for sale to the public.

DEFINITIONS

- Food Trailer** means a portable self-contained trailer that is equipped to cook, prepare, or serve and offer food or beverages for sale to the public, but does not include a food cart.
- Food Truck** means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare, or serve, and offer for sale food or beverages to the public, but does not include a food trailer or food cart.
- Floor Area, Gross**
(or *Gross Floor Area*) means the sum of the total floor areas of all floors in all *buildings* on a *parcel* measured to the outer surfaces of exterior walls of the *building* and includes:
- (a) all *habitable* areas, including loft spaces, mezzanines, and spaces in *accessory buildings*;
 - (b) garages and carports; and
 - (c) enclosed *porches*; but **excludes**:
 - (d) common or exit stairwells, elevator shafts and floor areas occupied by mechanical systems;
 - (e) *open decks*;
 - (f) outdoor unenclosed parking;
 - (g) exterior wall thickness in excess of 152 mm;
 - (h) floor areas with a ceiling *height* of less than 1.5 m; and
 - (i) underground parking spaces located at least 2 m below *natural grade*.
- Floor Area Ratio** means the figure obtained when the total *gross floor area* of all *buildings* and *structures* on a *parcel*, is divided by the area of the *parcel*.



An illustration of Floor Area Ratio

DEFINITIONS

Funeral Service Facility means the use of a *building* for the storage of deceased human bodies prior to burial or cremation, or for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith, but in either case excluding the process of cremation.

G

Grade, Finished
(or *Finished Grade*) means the lowest of the average levels of finished ground adjoining each exterior wall of a *building*, except that localized depressions need not be considered in the determination of average levels of finished ground.

Grade, Natural
(or *Natural Grade*) means the surface elevation of a *parcel* in its natural state, prior to any disturbance, alteration of land, excavation or filling, as determined by a *B.C. Land Surveyor*, or the elevations shown on a grading plan for the *parcel* approved by the *Building Inspector*.

Green Building System means:
(a) equipment that converts, stores, or transfers energy from a renewable energy source, including equipment used to support *solar collectors*, *small wind energy systems*, heat pump systems, waste heat recovery systems, and biomass systems, and
(b) equipment that collects, stores and treats rainwater, greywater or both, on the site on which it falls or is produced.

Green Roof means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption.

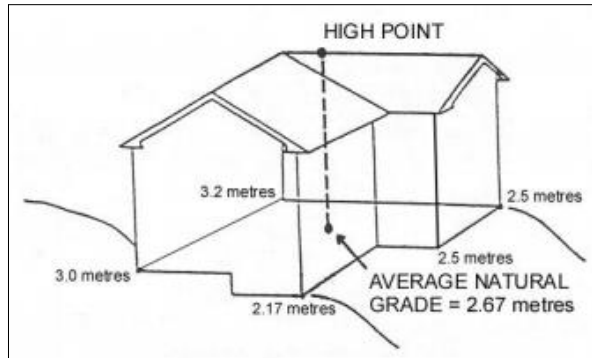
Green Wall means a *structure* affixed to a *building* wall used for growing edible or ornamental plants.

H

Habitable means an area used or intended for cooking, eating, sleeping or other human *occupancy*.

DEFINITIONS

Height means the distance measured vertically from *natural grade* or *finished grade*, whichever is lesser; in the case of a *building*, recorded at the outermost corners of the *building*, to the highest part of the *building* or *structure*.



An illustration of height

Hen means the female common domestic fowl kept for egg production, but does not include a turkey, goose, duck, artificially reared grouse, partridge, quail, pheasant or ptarmigan.

Highway means a public road and any other public way, but excludes a *lane* or *trail*.

Home-Based Business means an occupation, business or professional practice which is carried on for remuneration or financial gain on a residential *parcel* as an *accessory use*.

Hospital means the *use of land, buildings or structures* for a *hospital*, as defined in the *Hospital Act*, as amended or replaced, specifically includes *treatment centres*.

Housing Agreement means an agreement between a *property owner* and the *City* pursuant to the *Local Government Act*.

I

DEFINITIONS

Industrial Activity means the manufacturing, processing, assembly, fabricating, testing, servicing, repair, storage, transporting, warehousing, wholesaling, distributing, wrecking, or salvaging of goods, products or materials from raw materials, and includes the sale of heavy industrial equipment or other industrial product.

Institutional Use means the *use* of land, *buildings* or *structures* for police, ambulance, and fire stations; courts of law; legislative chambers or government administrative *offices*.

K

Kennel means a place where dogs or cats are bred, raised, or boarded overnight.

Kitchen means a room designed or used for the operation of a stove, grill, oven, dishwashing equipment, or any other appliance or equipment used in the preparation of food.

L

Landlord means a *person* who is an *owner* of land, who, in an exchange for rent, leases it to another individual known as the *tenant*.

Landscaping means the physical arrangement and maintenance of vegetation **and hardscape materials** on a *parcel* for the purpose of enhancing the functional and aesthetic qualities of site development.

Landscaped Area ~~means an area of land that is landscaped and maintained in accordance with this Bylaw.~~

Landscape Buffer means ~~a *Landscaped Area* an area~~ containing ~~any combination of grass, trees, bushes, shrubs, vines, plants, flowers, or bark mulch and similar materials~~ *landscaping*, ~~provided and maintained~~ to provide a buffer between *parcels*.

Lane means a public way that provides access to the rear of a *parcel*.

Commented [KY51]: Landscaping is usually comprised of hard and soft materials.

Commented [KY52]: With adjustments to the landscaping section, this definition is no longer required.

DEFINITIONS

Loading, Off-Street
(or Off-Street Loading)
means the *use* of an area of a *parcel* for the loading or unloading of *commercial vehicles* in connection with the *use* of that *parcel* or an adjacent *parcel*.

M

Marijuana Operation
means cultivating, growing, producing, packaging, storing, distributing, dispensing, trading or selling of marijuana (cannabis) or its derivatives.

Mechanical equipment
means heating, ventilation, air conditioning, or refrigeration units, or other noise-emitting equipment, such as stationary power generators.

Mixed-use Development
means the *use* of *buildings* or *structures* for a combination of commercial uses and multi-unit *residential uses* on the second floor and above.

Mobile Food Vending
means a *food truck*, *food trailer*, or *food cart* equipped with facilities for preparation and retail sale of food for immediate consumption.

Mobile Home
means a manufactured home constructed to the CAN/CSA Z240 standard.

Motor Vehicle
means a self-propelled vehicle in, on or by which a *person* or thing may be transported on a *highway*, but specifically excludes vehicles designed to be used exclusively on stationary rails or tracks, vehicles moved by human power, mobility scooters, or motor-assisted bicycles.

Motorcycle Repair and Sales
means the *use* of a *building*, *structure*, or land for the servicing, repair, sale, lease, or rental of two or three-wheeled *motor vehicles*.

N

Natural Boundary
means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

O

DEFINITIONS

Occupancy	means the <i>use</i> or intended <i>use</i> of a <i>building</i> or <i>structure</i> or part thereof for sheltering or supporting <i>persons</i> , animals, or <i>property</i> .
Occupier	has the same meaning as defined in the <i>Community Charter</i> .
Office	means the <i>use</i> of a <i>building</i> for conducting the affairs of a business, profession, service, or government, including health and veterinary services, <i>social services</i> , financial services, and research.
Official Community Plan	means the <i>City of Duncan Official Community Plan</i> and amendments thereto.
Open Deck	means any unenclosed <i>structure</i> connected to a <i>principal building</i> which: <ol style="list-style-type: none">is elevated a minimum of 0.6m from ground level;is structurally supported or cantilevered;may be covered by a canopy or trellis which is not structurally, nor in appearance, part of the roof system of the <i>principal use</i>;does not cover a carport or a garage; andmay have a railing system, but no solid walls. This includes any <i>structure</i> forming a border or walking area surrounding a hot tub, unless the rim of the hot tub is at ground level.
Owner	has the same meaning as defined in the <i>Community Charter</i> .

P

Parcel	means any lot, block or other area in which land is held or into which it is subdivided under the <i>Land Title Act</i> or the <i>Strata Property Act</i> .
Parcel, Corner (or Corner Parcel)	means a <i>parcel</i> with both a <i>front parcel line</i> and an <i>exterior side parcel line</i> .
Parcel, Panhandle (or Panhandle Parcel)	means a <i>parcel</i> , the majority of whose area is physically separated from the nearest <i>highway</i> by another <i>parcel</i> , and that is connected to the <i>highway</i> by a narrow strip of land forming part of the <i>parcel</i> .

DEFINITIONS

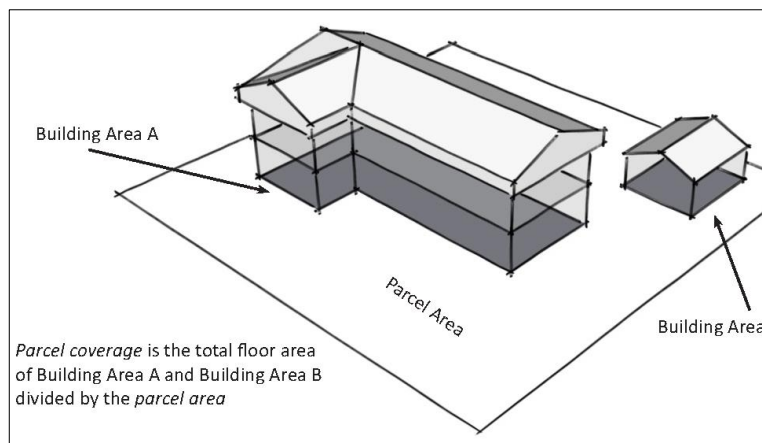
Parcel, Through
(or Through Parcel)

means a *parcel* abutting 2 parallel or approximately parallel *highways*, or a *corner parcel* abutting 3 *highways*.

Parcel Coverage

means the percentage of the *parcel area* that is covered by *buildings* and *structures*, including carports, roofed entries, enclosed walkways and cantilevered areas, balconies and decks, but excludes the following:

- (a) eaves, exterior finishes, gutters and cornices;
- (b) unenclosed steps, landings and wheelchair ramps;
- (c) chimneys;
- (d) air conditioners and heat pumps;
- (e) awnings, trellises and unenclosed patio canopies;
- (f) underground *parking facilities*; and
- (g) uncovered in-ground *swimming pools* and hot tubs.



An illustration of Parcel Coverage

Parcel Depth

means the shortest distance between the centre of the *front parcel line* and the *rear parcel line* or, in the case of a *triangular parcel* or an *irregular parcel* with more than four (4) *parcel lines*, the shortest distance between the *front parcel line* and the point at which any two *side parcel lines* intersect, or in the case of a *through parcel*, the centres of the two (2) *front parcel lines*.

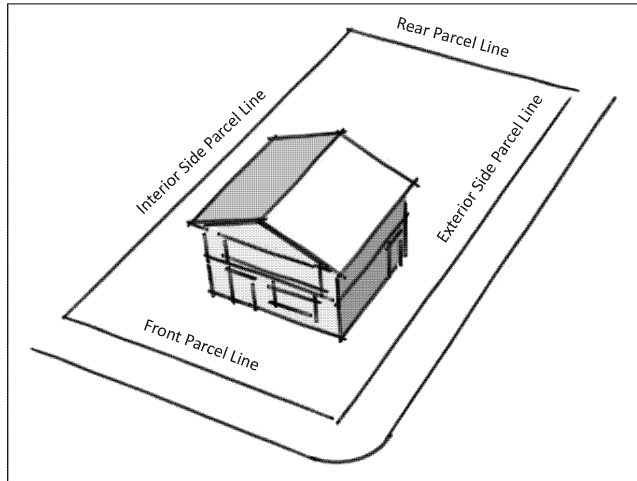
Commented [KY53]: This term isn't used in the bylaw.

Parcel Frontage

means the length of the *parcel line* that directly abuts a *highway*, other than a path, walkway, *trail* or *lane*.

DEFINITIONS

Parcel Line means a line that forms the boundary of a *parcel*.



An illustration of Parcel Line

Parcel Line, Exterior Side means the *parcel line* forming the boundary between a *parcel* and *highway* that has one or both ends intersecting a *front parcel line*.
(or *Exterior Side Parcel Line*)

Parcel Line, Interior Side means any *parcel line* other than the *front parcel line*, *rear parcel line*, and *exterior side parcel line*.
(or *Interior Side Parcel Line*)

Parcel Line, Front means the *parcel line* abutting the *highway*, and:
(or *Front Parcel Line*)

- in the case of a *corner parcel*, either *parcel line* that abuts the *highway* may be considered the *front parcel line*, in which case the other *parcel line* abutting a *highway* is deemed to be an *exterior side parcel line*; or
- in the case of a *through parcel*, all *parcel lines* abutting the *highway* are considered *front parcel lines*.

Parcel Line, Rear means the *parcel line* most opposite to and distant from the *front parcel line* as measured from the centre point of the *front parcel line* to the centre point of the *rear parcel line*, or where the rear portion of the *parcel* is bounded by intersecting *side parcel lines*, the point of intersection of the *side parcel lines*.
(or *Rear Parcel Line*)

DEFINITIONS

Park, Community (or <i>Community Park</i>)	means the land, water areas, <i>buildings</i> or <i>structures</i> used for recreational, archaeological, historical, educational or ecological purposes, which may also include <i>accessory buildings, structures</i> and infrastructure, including community water access, <i>cultural facilities, administrative offices, interpretative and directional signage, seating areas, viewing platforms and information kiosks.</i>
Parking Facility	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the parking of <i>motor vehicles</i> or bicycles, including parking lots and parkade <i>structures.</i>
Parking, Off-Street (or <i>Off-Street Parking</i>)	means the <i>use</i> of land for the parking of vehicles or bicycles accessory to the <i>use</i> of the land.
Party Wall	means a shared supporting wall that is in a <i>building</i> or between two adjoining <i>buildings</i> and is situated on any part of the common boundary shared by adjoining <i>parcels</i> as defined in the <i>Land Title Act.</i>
Pawn Shop	means <i>buildings</i> or <i>structures</i> used by an establishment that engages in the business of loaning money on the security of pledges of personal goods, and retail sale of pawned personal goods.
Permitted Use	means the principal, permissible purpose for which land, <i>buildings</i> or <i>structures</i> may be used.
Person	has the same meaning as defined in the <i>Community Charter.</i>
Porch	means an unenclosed covered deck or patio on the <i>front</i> or <i>exterior side yard</i> face of a <i>building</i> used to provide access to the primary entrance of a <i>dwelling unit.</i>
Principal Building	means a <i>building</i> in which the <i>principal use</i> of a <i>parcel</i> is conducted.
Principal Use	means the primary purpose for which land, <i>buildings</i> or <i>structures</i> are ordinarily used.
Property	means real property as defined in the <i>Community Charter.</i>

DEFINITIONS

Public Market means the *use* of land, *buildings* or *structures* for the sale of food, beverages, arts and crafts by multiple vendors.

Q

R

Recreation Facilities, Indoor
(or *Indoor Recreation Facilities*) means the *use* of gymnasiums, indoor racquet courts, curling rinks, skating rinks, *swimming pools*, dance studios, aerobic studios, yoga studios or weight rooms, billiard halls, and bowling alleys and accessory *restaurants*, administrative *offices*, and retail sales of sporting goods.

Recreation, Outdoor
(or *Outdoor Recreation*) means the *use* of land, for outdoor fitness facilities, running tracks, ball courts, racquet courts, and canoe, kayak and rowing clubhouses, and includes accessory *restaurants*, administrative *offices* and retail sales.

Recreational Vehicle means a camper, travel trailer, fifth wheel trailer or motor home with a maximum width of 2.6 m in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the *Motor Vehicle Act*.

Repair Service, Automotive means the *use* of land, *buildings* or *structures* for repair of automobiles and *recreational vehicles* and may include accessory retail sales of parts and accessories, but specifically excludes body repair and painting.

Repair Service, General means the *use* of land, *buildings* or *structures* for the repair of household items, small motors, electrical devices, and computers and may include accessory retail sales of parts and accessories.

Residential Use means a *use* providing for the accommodation of one or more persons, where the minimum rental or occupancy period is 30 consecutive days.

Restaurant means the *use* of *buildings* or *structures* for the preparation and serving of food or beverages, including cafes, pubs, and brew pubs, but specifically excludes *drive throughs*.

DEFINITIONS

Retail & Personal Service means the *use of land, buildings or structures* for the retail sale or rental of goods, foods, or wares, the provision of services to the *person* or personal goods of a customer, but specifically excludes *Pawn Shops* and *Marijuana Operations*.

Retaining Wall means a *structure* intended to hold back, stabilize or support an earthen bank.

S

School, Academic
(or *Academic School*) means land, *buildings or structures* used to provide academic instruction to students who have an opportunity to earn a certificate, diploma, or degree provided by the British Columbia Ministry of Education.

School, Commercial
(or *Commercial School*) means land, *buildings or structures* other than an *academic school*, used to provide instruction of any kind and includes art schools, language schools, business schools, and commercial training schools.

Secondary Suite, Attached
(or *Attached Secondary Suite*) means a secondary *dwelling unit* located in a *building* of residential occupancy containing only one other *dwelling unit*.

Secondary Suite, Detached
(or *Detached Secondary Suite*) means a secondary *dwelling unit* located in an *accessory building* on the same *parcel* as a *single-unit dwelling*.

Setback means the distance between a *building or structure* and a *parcel line* or other feature.

Shipping Container means a metal container of standard dimensions, designed for transporting cargo by ship, rail, or truck.

Short-Term Rental means temporary accommodation in a building that is provided to members of the public in exchange for a fee.

Commented [KY54]: Short-term rental is proposed to be added as a permitted use in the LDR zone. The *Short-Term Rental Accommodations Act* defines an STR as a stay that is less than 90 consecutive days, but the City's temporary accommodation definition limits the stay to 6 weeks.

DEFINITIONS

Small Wind Energy System	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for a wind energy conversion system consisting of a wind turbine, associated <i>structures</i> and mechanical devices with a nameplate capacity of not more than five (5) Kilowatt hours.
Sleeping Unit	means one or more rooms used for sleeping and living purposes and in which there is no <i>kitchen</i> or cooking facilities.
Social Service	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> for the provision of information, referrals, counselling and advocacy services, aid in the nature of food or clothing or drop-in or activity space.
Solar Collector	means equipment designed to absorb solar radiation as a source of energy for generating electricity or heat.
Storage Yard	means the <i>use</i> of land, for the storage of equipment, goods and products, vehicles, machinery and materials, either inside or outside of a <i>building</i> , but does not include <i>auto wrecking</i> .
Storey	means that portion of a <i>building</i> that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, between the top of a floor and the ceiling above it.
Structure	means anything constructed, placed, or erected on land, including <i>retaining walls</i> greater than 1.2 m in <i>height</i> .
Subdivision	means the division of land into two (2) or more <i>parcels</i> , whether by plan, descriptive words or otherwise.
Surveyor, British Columbia Land (or <i>B.C. Land Surveyor</i>)	means a land surveyor licensed and registered as a land surveyor with the Province of British Columbia.
Swimming Pool	means any <i>structure</i> or construction other than a hot tub, intended primarily for recreation that is, or is capable of, being filled with water to a depth of 0.6m or more.

T

DEFINITIONS

Temporary Accommodation	means accommodation for a period not greater than six (6) weeks.
Tenant	means a <i>person</i> who occupies land or <i>property</i> rented from a <i>landlord</i> .
Transition House	means a temporary accommodation <i>use</i> providing <i>sleeping units</i> or <i>dwelling units</i> for the provision of emergency and support services for women and children who have experienced or are at risk of violence but does not include the use of land for halfway house use in conjunction with the administration of justice for the purpose of shelter and support of persons serving or on any part of a sentence imposed by a court.
Tourist Accommodation	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> , for <i>temporary accommodation</i> , of traveling lodgers which may include accessory facilities such as a <i>restaurant</i> , meeting rooms, convention facilities, retail sales and recreation facilities.
Trail	means an unpaved pathway or walkway.
Transportation Corridor	means a linear feature which facilitates one or more modes of transportation.
Treatment Centre	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> to treat <i>persons</i> for substance abuse, and includes needle exchange facilities, safe injection sites, Methadone clinics, and harm reduction centres.

U

Urban Food Garden	means the <i>use</i> of land for growing and harvesting of fruits, vegetables, and other edible plants.
Use	means the purpose or function for which land, <i>buildings</i> or <i>structures</i> are used or intended to be used or occupied.
Utility	means the <i>use</i> of land, <i>buildings</i> or <i>structures</i> to facilitate the production, transmission, delivery or furnishing of water, gas, electricity or communication services to the public, or the collection and disposal of sewage, refuse or other waste.

DEFINITIONS

V

W

Watercraft means a boat or vessel that travels on water.

Y

Yard, Front means the area of a lot between the *front parcel line* and the
(or *Front Yard*) *principal building*.

Yard, Rear means the area of a lot between the *rear parcel line* and the
(or *Rear Yard*) *principal building*.

Yard, Exterior Side means the area of a lot between the *exterior side parcel line* and
(or *Exterior Side Yard*) the *principal building*.

Yard, Interior Side means the area of a lot between the *interior side parcel line* and
(or *Interior Side Yard*) the *principal building*.

Z

Zone means any of the areas into which the *City* is divided in accordance with this Bylaw, and for which specific regulations are set out in this Bylaw.

ADOPTION

PASSED FIRST READING 20-NOVEMBER-2017.

PASSED SECOND READING 20-NOVEMBER-2017.

PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE *LOCAL GOVERNMENT ACT*
15-NOVEMBER-2017 AND 22-NOVEMBER-2018.

PUBLIC HEARING 27-NOVEMBER-2017.

PASSED SECOND READING AS AMENDED 19-FEBRUARY-2018.

PUBLIC NOTICE GIVEN IN ACCORDANCE WITH THE *LOCAL GOVERNMENT ACT*
9-MARCH-2018 AND 14-MARCH-2018.

PUBLIC HEARING 19-MARCH-2018.

PASSED THIRD READING 19-MARCH-2018.

RECEIVED MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL 10-APRIL-2018.

ADOPTED 22-MAY-2018

Phil Kent, Mayor

Allison Boyd,
A/Director of Corporate Services

Schedule A - Zoning Map

